

SPEECH

C. J. Whitt

Alexander

OF

1788 - 1853

MR. DUNCAN, OF OHIO,

ON

48

Declined - 1853

THE SUBJECT OF THE NEW JERSEY ELECTION

FOR

MEMBERS OF THE TWENTY-SIXTH CONGRESS.

DELIVERED IN THE HOUSE OF REPRESENTATIVES, JANUARY 9, 1840.

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1840.

SPEECH.

In the House of Representatives, January 9, 1840—
On the subject of the New Jersey election for members of the Twenty-sixth Congress:

Mr. DUNCAN said, he had been rather a looker on than a participator in the scenes that have been acting from the time since we have assembled; and but for some charges that have been made against the Administration he thought it his duty to support, and the party to which it was his duty and his pride to belong, as well as some doctrines that have been advanced, which he thought pernicious and dangerous in all their bearings and tendencies, he would not now attempt to detain the body in its struggle, either for party ascendancy or the establishment of the rights of the people of New Jersey; and before he progressed, to oppose the former, or sustain the latter, he hoped he would not be considered out of order, if he responded to some of the charges made and some of the positions taken by the Opposition, not directly bearing on the question really before the House.

The first charge that he would attempt to meet was that which every Opposition member, who had addressed the House, had made against the Democratic party, viz. the consumption of the *people's* time and the *people's* money. Sir, we have fallen far short of the people's expectations in the time which has been occupied in the organization of the House. But, sir, I think the Democracy of this House have but little to fear from the people in this struggle. They have been maintaining the principles they were sent to maintain. I mean the free institutions of our country, and the purity of the elective franchise. The rights and dear bought suffrage of the freemen of a sovereign State have been violated and trampled upon by a corrupt party Governor and a corrupt party Council, and the sovereign will of the people sacrificed at the shrine of party ambition and love of power. It is their wrongs we are endeavoring to redress. We have nothing to fear from the people, though we remain in this struggle till doomsday. No frowns or popular indignation await us. We expect to and will receive their smiles and approbation for our efforts on this occasion: Let those who attach more weight and character to the certificate and broad seal of a Governor, and the dictation of a Privy Council, than to the voice of the freemen of a sovereign State, meet the consequences and responsibility of this shameful and disgraceful waste of "*public time and public money.*"

But, sir, how have the "*public money and the public time*" been wasted by speeches; and who is it that has thus wasted the "*public money and the public time,*" by speaking? My diary will show, which I was induced to keep in consequence of the charge of the waste of the "*public money and the public time,*" made upon the Democracy by the *time and money saving modern Whigs!*

On the first eleven days of the session there were:

	Whig speeches.	Dem. speeches.
First day,	21	5
Second day,	15	7
Third day,	13	6
Fourth day,	9	1
Fifth day,	15	12
Sixth day,	31	18
Seventh day,	10	1
Eighth day,	31	14
Ninth day,	19	12
Tenth day,	18	12
Eleventh day,	18	6
	200	94

The journals will show that nearly all the motions made and the questions of order raised to consume time, and stave off the organization of the House, were made and supported by the Whigs.

This carries us up to the close of the eleventh day of the session, and the result shows that the money and time saving *Whigs!* of this House have made two hundred speeches, and the Democrats who have been charged hourly with wasting the "*public money and the public time,*" have made ninety-four speeches. I thought it my duty to make this expose to counteract the effects of a charge, as unfounded as the object for which these speeches have been made is corrupt, at least in their tendencies, if not in their intent. Why all this unexampled strife on the part of the Opposition; and why this reckless sacrifice of time which should have been devoted to the country's business? The world will understand the answer. It is to smuggle in five Whigs to seats on this floor, who have about as much right here as the remains of the cabal who disordered the administration of Charles the Second. I mean John B. Ayer, John P. B. Maxwell, Wm. Halsted, Charles C. Stratton, and Thomas Jones Yorke men whom the sovereign freemen of New Jersey have pronounced through the ballot box, in the proper legal and constitutional manner, politically unworthy, and unqualified longer to hold seats on this floor. Sir, those who are supporting the usurpers, or the *certificated* members, had no expectation that they could hold their seats longer than the time when a committee could report upon their pretensions. The object was to smuggle them in, that they might have an opportunity to vote in the organization of the House, or, in the language of the gentleman from Louisiana, [Mr. CHINN,] that they might cast their votes for JOHN BELL. Yes, sir, this was the object. The right of suffrage is to be trampled upon, the purity of the elective franchise must be violated, and the voice of a sovereign State treated with contempt, to the end that JOHN BELL might be Speaker of this House. Sir, such an attempt is not more idle than it is vain. JOHN BELL will never be Speaker of this House while his name is JOHN BELL, nor will these usurpers get seats in this hall again, until the voice of

New Jersey shall pronounce them entitled to them. But more of this hereafter.

Mr. Chairman, I think I have seen a disposition manifested here to carry, by violence, the unjust and assumed claims of the Whig New Jersey pretenders. When all other means should fail, violence seemed to be the intended resort. Questions of order have been raised, involving nothing but quibbles, the most contemptible to the most ordinary understanding. When I was addressing the House the other day, I was arrested (or the Clerk, while reading the evidence upon which I was predicating my remarks, was) by the gentleman from New Jersey, [Mr. RANDOLPH.] The evidence which I was causing the Clerk to read, was the certificate of the Secretary of State of New Jersey, certifying that Messrs. DICKERSON, VROOM, KILLE, RYALL, and COOPER, have a majority of all the votes polled, and were duly elected members of the Twenty-sixth Congress; also certificates of the election officers, and affidavits of others having a knowledge of the case. While the reading was going on, Mr. RANDOLPH objected to the reading of the papers, for the reason that *these* papers were never before the Governor and Privy Council. The gentleman from New York, [Mr. VANDERPOEL,] said that he was authorized by Messrs. DICKERSON and VROOM to say that they were before the Governor and Council. The gentleman from New Jersey, [Mr. RANDOLPH,] said they were not. The gentleman from New York [Mr. VANDERPOEL] rejoined that these papers were copies. Does the gentleman from New Jersey [Mr. RANDOLPH] mean to deny that the original papers, of which these are copies, were never before the Governor and Privy Council of New Jersey? The gentleman from New Jersey [Mr. RANDOLPH] dropped his head and said, "No, sir." Sir, such a quibble is too contemptible for this place. It is unworthy of the gentleman himself; it is unworthy of this House and this body; it is alone worthy of the most pitiful seventh-rate pettifogger. Sir, I trust I shall not again be interrupted by a question of order involving such a quibble.

It is the strongest evidence of a bad cause, when it must be maintained by low quibbling.

But, sir, gentlemen will find blustering threats and boisterous denunciations as ineffectual as quibbling. They will find, when such means are resorted to to carry measures over the Democracy here, that they are barking up the wrong tree, or what may be worse, that they have not treed their game at all. There is too much of the Revolutionary blood flowing in the veins of the Democracy here to quail or wince for a moment at all the blast and bluster that can be paraded in this dying struggle of Federalism. It will all be regarded as "*sounding brass and tinkling cymbals.*"

As the floods rush from the mountains of Ethiopia, to the overflowing of the Nile, and to the enriching of the valleys and plains of Egypt, so has been the torrent of public sentiment and approbation through the medium of the ballot box, in favor of the leading measures of this Administration, and the glorious and hallowed cause of Democracy and the people. Sir, with the Revolutionary blood and patriotism of our ancestors, backed by the thun-

dering voice of approbation by millions of freemen, are the Democracy to be awed or intimidated by the threats or frowns of a conquered and dying party in their last spasmodic agonies? No, sir; its effect is but to produce the sneer of contempt and derision. As it is common here for gentlemen Whigs to give their young friends (new Whig members) advice, so I will volunteer some advice to my young friends; and that is, to treat with contempt and scorn, all the blasting, blowing, blustering, and bullying displays they may see here or elsewhere, though the fiercest Federal lions be turned into this hall, and though their "shaggy tails be erect, and their jaws bedaubed with human blood," they really have no terrors; the people have extracted their teeth; they can do nothing but shake their manes and growl; approach them, lay your hand upon them, they are tame; they are like Daniel's lions; the hand of God rested on them; the hand of the freemen of this country rest upon the Federal lions and bullies of this day. When I first entered this hall, I entered with some trepidation—such is the Whig system of puffing by the lean, lank dogs, in the character of penurious letter writers, who beset this Capitol by throngs, and whose hungry ye'p is never out of your hearing. I expected to see men gigantic in body and intellect; such is the effect puffing has upon the mind of objects at a distance; but when I came to mingle with them, I found few of them whose bodily altitude exceeded that of my own and; when I surveyed them, I saw nothing in them, mentally or physically, to be feared; I found them just such creatures as surrounded me at home every day; I saw nothing here at which a well corn and pork fed Western Buckeye would not douce his wool hat, throw of his linsey hunting shirt, roll up his sleeves, and "*walk right into.*"

We have heard the tempest of party howl; we have felt the rain fall in torrents from the party elements; we have been pelted by the hail; we have seen the lightning flash; and we have heard the thunder peal and roll over our heads; but we have not been stricken down in ruin by its bolts; and all this, too, when foul Federalism had reared its crest to its greatest altitude—to the threatening of the overthrow of our simple Republican institutions. What now have we to fear, when it sneaks to hide its guilty face, and is ashamed of its very name. It writhes under the feet of our free institutions as the reptile squirms under the heel of man.

Sir, as if to prepare the Opposition for a contest of violence, the New Jersey usurpers have been advised not to jump out of the windows, as was the case at Harrisburg. The Democracy of this House have manifested no disposition to maintain their principles by bowie knives, or carry out their measures with brickbats. The admonition was gratuitous and uncalled for. Nor was it the Democratic members of the Legislature of Pennsylvania who threatened violence to the corrupt usurpers who claimed seats in that hall. It was the honest, hard-handed Democracy, who rallied to the standard of their country when their legislative halls were to be corrupted by usurpation and fraud. It was the kind of men who maintain and support your country in peace, and defend it in war. They were the kind of men, and governed by the

same political principles, who were called plebeians in the republican days of Rome, who, when Anthony offered Cæsar the crown, threw up their sweaty caps and clapped their hard and chapped hands, at his refusal to accept it. Anthony persisted, and offered it again. Cæsar refused it; they threw up their caps, shouted in token of approbation, and clapped their chapped and hard hands; but the patricians groaned and hissed. Again Anthony offered him the crown; but again Cæsar passed it with his hand from his head. The patricians groaned and hissed; but the plebeians continued to throw up their sweaty caps and clap their hard and chapped hands. These were the kind of men who filled the streets and crowded the legislative halls of Harrisburgh. They saw that their liberties were in danger, and they rallied to the defence of their institutions and the purity of the elective franchise. Such men do not crowd the streets and avenues of Washington city and overflow the legislative halls of this Capitol. No, sir; the usurped in this case have nothing to fear from the populace here. Sir, with many honorable exceptions, our streets and avenues are crowded with blacklegs, political jugglers, hungry expectants, loving, lean lazaroni loafers, bank vassals, and Federal minions, congregated from all parts of the Union. Dandies, coxcombs, and liveried drones, whose subsistence depends upon theft, begging or fraud, or upon the "*glories of the credit and banking system.*" Hence it is that you hear from your galleries shouts of approbation and joyous applause, when you gain any thing like a temporary Whig victory over the cause and principles of Democracy, however contemptible and pitiful that victory may be. Sir, I think I can give the userspers assurance that they are on the right side for safety here; but I could not insure them from decapitation if they were to present such claims in the Capitol of Harrisburg. Sir, as usual, we have heard the success of the cause of Democracy attributed to corruption, Executive influence, usurpation, base vassalage, party slander, and servile submission. Yes, sir, the Administration and all its measures; the Harrisburg Convention; the election of General Harrison, and the success of the Federal party; and the contest for party ascendancy in the next Presidential election, have all been drawn into the vortex of discussion, on the simple proposition of the New Jersey election returns; and free drafts in that discussion made from the columns of the most slanderous and degraded Federal sheets of this day of political strife and reckless turmoil, to abuse the Administration and its measures, and the Democratic party. I meet and face the whole in my weak way.

Such charges are in bad time, and from a quarter which should blush to name them. This Administration is emphatically an Administration of the people—its leading measures float upon an overflowing tide of public approbation—its enemies are the enemies to free institutions, equal rights, and human liberty. To denounce it in such terms, is but a reiteration of the high toned Federal and aristocratic doctrine, which constitutes one of the fundamental principles of that party who deny an intelligence and virtue to the people, sufficient for the purposes of self-government. What

Executive influence, usurpation, or control, I ask, was made to bear upon the great body of the American people, even if they were subjects of corruption, so as to secure the support which the Administration and its measures have received other than the correctness of the Administration, and the purity of the measures themselves? Has it been done through the influence of Federal officers? No, sir; they may have done their part in the support of the Administration and its leading measures, as they were, and are bound to do; those, I mean, who are from principle attached to it; but there is an antagonist principle sufficient to counteract all their influence. More than one half of all the Federal officers of this Government, from the heads of bureaus in the Department of State here, down to the most petty postmaster in the country, are hostile to this Administration, its measures, and the Democratic party and its principles, who exert themselves, to the extent of their personal and official influence, to prostrate the Administration and subvert the Democratic institutions. Is it the newspaper presses through the country favorable to the Administration and its measures, to the Democratic party and its principles, that have produced it? No, sir. They may have done their part as they were and are bound to do; and they, no doubt, have exerted themselves to the extent of *their* means. It is due to them to say, that they have done much. But there is an antagonist principle, which, to a great extent, neutralizes their efforts and their influence. There are more than three newspaper presses in this Government opposed to this Administration and its measures, and to the Democratic party and their principles, to one that is favorable; and I might ask the man who charges slander and detraction to the Democratic newspapers, O! shame, where is thy blush! Look at your Federal sheets, sir, from your base, bought up, corrupt vassal sheet, the Courier and Enquirer, down to the most contemptible rag that bears the cognomen of a Whig newspaper sheet. What are they, sir, but a tissue of foul channels and corrupt and filthy sewers, through which the vilest slanders and basest falsehoods are communicated to the public mind, not even the *misnamed National Intelligencer!!!* excepted. No, sir: the great principles of reform, which are on their march to the prostration of Federalism and the downfall of bank dominion and bank dictation, are the result of the examination, intelligence, and patriotism of the freemen of this country; they are the result of the "*sober second thought of the people,*" which is never wrong. Yes, sir; the cry of Executive corruption is yelled by a party, with many honorable exceptions, I am proud for my country to say, who are sustained as a party by, and feed upon, the putrid carcass of corruption itself. I wish to be understood as speaking politically. The cry of Executive influence is yelled by a party, whose prospects, pecuniary and political, are lighted up and cheered by the smiles of the banks and the credit system, and cast down and overshadowed by thick dark clouds of dismay at the frowns or disappointments of either or both. The blush of shame, and the sacred cause of truth, should save the Democracy from such charges from such a party! Against

whom, or what, is this interminable war directed? Who is it intended shall drink this inexhaustible cup of slander and detraction, even to the dregs of bitterness, and *bonds* of iniquity? The *men* of the Administration, think you? No, no! It is not against *men* that all this unceasing and unmeasured torrent of calumny, detraction, and falsehood, is directed. No, sir: it is not intended for the men who administer this Government, and those who support them. It is against the cause of Democracy, and the free institutions of our country. Men are used merely as instruments of illustration; men are the mere mediums through which the great principles of equal rights and civil liberty are to be overthrown. No, sir: when the party tempest howls the loudest, and when the storm of faction rages highest, and beats the hardest upon our plain, simple, Republican institutions, the *men* who support them and their bitterest assailants, are on terms of intimacy and friendship. Yes, sir; and even those who are the most unmeasured in their abuse of the President and all his leading measures, are the men who are to be found most frequently at the table of his bounty, and who drink deepest from his wine goblet. And all this is right: these men have no personal hostility to Mr. Van Buren. It would be worse than folly to tax the purse, the head, the heart, and pollute the tongue with a warfare fraught with such cost, such iniquity, and such foul slander, merely to prostrate the earthly tabernacle of frail men, who, by the immutable laws of nature, must in a few short years, perhaps months, perhaps days, return to their great mother earth; become the food of worms, and mingle with the dust. No, sir; it is not against *men* this warfare is waged: I repeat, that the object is to overthrow the Republican institutions of our country. When will this warfare cease? When the *men* who administer this Government, and those who act with, and support them, pay the debt of nature, think you? No, no. The termination of their existence will be no signal to cease hostilities. They never will cease until the Federal aristocratic prediction is fulfilled, "that man is incapable of self-government. That the people have not the intelligence and stability to govern themselves." This war will cease when the reins of Government shall be surrendered by the many to the hands of the wise, the wealthy, and the great few—when "the common herd" shall become the vassals of a few "*exclusives*"—when the many shall become "hewers of wood and drawers of water" to the few—then, sir, will this war upon human liberty cease, and not before.

But, sir, have the Opposition no other object in pushing the fraudulent claims of the Whig pretenders, than the maintenance of the abstract rights of New Jersey? Yes, sir, I have named one, (the election of a Whig Speaker.) But that, in itself, is but a collateral object.

The great object is to prop and support a rotten, tottering, sinking cause. One last dying, desperate effort is to be made to prevent the overthrow, downfall, and final ruin of the once great and powerful Federal faction. This desperate effort to trample in the dust the voice of New Jersey, is a practical demonstration of what we may expect as to the

mode and manner by which the political warfare is to be conducted in the approaching contest for political ascendancy. It is a concert of action with the proceedings and result of the Federal National Convention which has just closed its operations at Harrisburg. Can any man doubt, for a moment, that the choice of a candidate for the Presidency, made by that convention, is but the tocsin of war to rally the contending factions, of all denominations, from the remotest parts of the Union, to the conflict against the common cause of Democracy and human liberty. Virtue, patriotism, and good order, are all to be sacrificed at the shrine of Federal ambition in this great contest. The man has been selected around whose standard Antislavery, Abolitionism, *National Republicanism*, Federalism, and every other ism under the sun except Democraticism, may rally. Open fight, secret ambush, fair play and foul play, and every other mode of warfare known to the nations of the earth, civilized and savage, is to be adopted and used in this war. All missiles and weapons, common and uncommon, broadswords narrow swords, long swords, short swords, straight swords, and crooked swords, are to be used in fighting under this ring-streaked and speckled banner. Falsehood, fraud, and corruption, will be in market for the highest bidder. Every venal Federal sheet will team with foul slander, base detraction, and unblushing falsehood, and the tool of faction who can lie most, will receive the highest price for his occupation. Yes, sir, the zeal and Christian patriotism which were exhibited on the plains of Palestine, in defence of the Holy Land, were nothing to compare to the zeal which will be displayed in the conduct of this war upon the simple institutions of freedom. The untiring efforts of the monk Peter to rally the Christian nations in defence of the holy cause, will sink into insignificance, when compared with the efforts which will be used by the Federal demagogues to rally the mercenary factions to this war against the common cause of Democracy. But to use a common Dutch maxim, it will be all *nix-cume-rous*," or it will be applicable to a more classic maxim, "*montes partureunt, et ridiculus nascitur mus*."

Yes, sir, a convention of the contending factions of this Union, opposed to the cause and principles of Democracy and equal rights, has been held at Harrisburg; and the farmer of Tippecanoe has been nominated for the Presidency! And the result of that convention will be about as it was in 1836, when, for the purposes of sectional division, General Harrison, Judge White, and Daniel Webster, were put upon the track. But they were all distanced: so it will be in 1840. Old Tecumseh and Kinderhook will distance Tippecanoe and the man of the Old Dominion, the first heat. If I were capable of giving General Harrison and his friends advice, it would be to just put their entrance money in their pockets, and leave the field; and if they have forfeitures up, let them get that will be the saving game.

But, sir, perhaps these predictions may be considered impious, for I see in the reported proceeding, that the Rev. Mr. Sprecker pronounced a benediction upon the convention. Now I am going to annul that benediction, and let no

man impugn my motives, or attach irreverence to me; for if I have one feeling of grateful recollection for a Reverend father and a pious mother, both of whom now inhabit the narrow house, it is the recollection of the religious and pious precepts and principles which they taught me in sincere piety from my youth to manhood; and although shamefully loose in their practice, yet when I forget them, or fail in filial gratitude to those who taught them, may God forget me. If there is one book on earth that I reverence, it is the sacred word from which I am about to recite a few passages from recollection. If there is any one of the great causes which operate more than another to the perpetuity of our Government, the stability of our religious and civil institutions, the peace of man here and a happy and glorious immortality hereafter, I believe it to be the glorious cause of Christianity. The Rev. Mr. Sprecker may be a righteous man—I hope he is; and according to the weight and authority here given to "*prima facie evidence*," I am bound to believe so, for he presents that evidence in his title; and we are told in holy writ that "*the prayers of the righteous avail much*." But if I do not much mistake the import or meaning of that biblical maxim, it is of importance to the success of even the prayers of the righteous man, that the object of his prayer should be worthy of Divine approbation. Holy writ furnishes us with many consoling evidences of the powerful and miraculous effects of prayer, when made at the throne of Divine mercy; evidences which show not only the duty and importance of prayer, but also the power, mercy, and goodness of Him at whose throne every knee is bound to bend.

The Almighty heard the prayer of Abraham, and healed Abimelech, his wife, and his maid servants, of the barrenness with which he himself had cursed them, in consequence of Sarah, Abraham's wife. The Jews under Moses complained. The anger of the Almighty was kindled, and he sent consuming fire into every part of their camp. Moses *prayed* for them, he was heard, and the hand of Divine vengeance was stopped, and the fire quenched. The Jews were visited with fiery serpents, on account of their sins. The serpents bit many of them, and they died. The people came to Moses and confessed their sins, and asked him to pray for them that the Almighty would take away the serpents. Moses prayed for them; his prayer was heard—and the Almighty directed him to prepare a serpent of brass, resembling in appearance the fiery serpents, and to lift it upon a pole. He did so; and if any man thereafter was bitten by a serpent, he looked upon the provided remedy and lived.

While Moses was in the mount receiving the tables of the law, the people, with the assistance of Aaron, prepared a golden calf. When Moses returned, he found them engaged in idolatry; he threw down the tables. The anger of the Almighty was kindled and burnt against Aaron and the people; Moses fell down and prayed for Aaron and the people for forty days and forty nights; and such was the effect of his prayers, that, instead of the Almighty blotting out their names from under heaven as he threatened, he hearkened unto Moses and spared them.

Again: the Shunamite's son fell sick and died. The afflicted and pious mother laid him in the prophet Elisha's bed, in a little room which she had prepared for him; she went for the prophet. He sent his servant, who laid Elisha's rod upon the face of the child, and he awoke not. But when the prophet shut the door, and prayed, and laid upon the child, he sneezed seven times, opened his eyes, and he delivered the child alive to his mother.

In the days of the prophet Baal, there was a drought for three years and six months. The fountains were dried, and the rivers were drank up, and famine and desolation dwelt upon the land. Elijah went up to the top of Carmel, and prayed for rain. A little cloud instantly arose out of the sea, like a man's hand, and soon the heaven was black with clouds, and there was a great rain.

Job prayed for his friends, and such was the effect, that the Almighty turned his captivity, and blessed his latter end more than his beginning.

When Hezekiah prayed in his sickness, and turned his face to the wall and wept, the Almighty heard his prayer, and added fifteen years to his life.

Here, sir, we have evidence of the highest character of the omnipotent effects of prayer. But it must be remembered that the prayers here presented were not only the prayers of righteous persons, but the objects prayed for were worthy of and met Divine approbation. It is not only necessary that those who would be heard in prayer and answered, should not regard iniquity in their hearts, but the subjects of their benediction should be in favor with the Almighty, and their objects and pursuits in conformity with the cause of justice, right, and his Divine will. Was such the case with the Harrisburg convention? Sir, the men that they are endeavoring to place in office, and the principles they are endeavoring to establish, are at war with the spirit of our Constitution, human liberty, the duration of our free institutions, and the principles which we have undoubted reason to believe are in favor with Him who sways and controls the destinies of nations, from the fact that he led the patriots of the Revolution to battle and to victory. He "withheld the battle from the strong and the race from the swift." The light of his wisdom and the strength of his power have since defended our institutions from the hand of violence from abroad and the corruption of factionists at home. Then, sir, I undertake to predict that the prayer of the Rev. Mr. Sprecker, however righteous he may be, will fall to the ground unanswered—the objects of the convention being unfavorable to the Divine will and *His favored people*.

But, sir, there are some other difficulties that present themselves to the success of the assembled factions and the election of the nominee of the Harrisburg Convention. Is it supposed that Mr. Clay will quietly submit to the indignity offered him and the neglect with which he has been treated? No, sir: disappointed ambition is not so easily calmed. He has been a distinguished leader of a great party for many years. He has worn a life nearly out in its cause; and although I think he knew too much of the character of the American Democracy to believe, for a moment, that he ever could be President

of these United States, still it was his pride to *live* at the head of his party, and it was his hope, it would be his glory, to *die* at the head of his party. Of this hope, the only reward for his long and toilsome services, his party have deprived him. Now that he is worn down, he is turned upon the commons to shift for himself, as the Romans used to turn their worn out slaves upon an island in the Tiber. Think you, sir, he will bear this treatment with impunity? No, sir: prudence may at first induce him to bear the neglect and ingratitude with *apparent* forbearance. He *may* smother his wrath for a time, but, sir, he will rave like the disappointed political lunatic; he will growl like the hungry hyena; he will bellow like the hunted buffalo; he will roar like the lanced lion; he will do more; he will disband his troops; his sentinels scattered over the Union, who have watched with fidelity on the towers, ready to do any thing at his bidding, will throw down their arms, and take their banners from the "*outer wall*," and will deny obedience to their new commander. Murmurs, seditions and tumults will be heard throughout the camp among his troops. We have already heard some whimpering, and seen some evidence of disaffection here. I hold in my hand a paper which contains a Whig dialogue, that speaks the voice of thousands. It is short, and I will read it:

"Good morning sir."

"Good morning to you, sir."

"Have you heard from the Harrisburg Convention?"

"No."

"General Harrison is nominated."

"You don't say so!"

"Yes I do!"

"Oh!!"

Another:

"Good morning, sir."

"Good morning, sir."

"Well, the Harrisburg Convention have shot their granny."

"No, they hav'nt—I wish they had."

Yes, sir, disappointment, confusion, and dismay, brood in the hearts, dwell upon the tongues, and perch upon the countenances of the Clay ranks, attempt to conceal it as they may.

But to the New Jersey election. But before I go into that investigation, permit me to say a word in relation to party and party feelings, and their effects. No Government, since the civil organization of society, or the establishment of political institutions, has ever been without parties. There *never* has been a Government without parties; and the great principles constituting the basis of party, are the free exercise of all natural privileges and powers, on the part of the individual community, not incompatible with the general good, and a general participation in making, adjudicating, and executing the laws, either personally or representatively, on the one hand, and a usurpation of power, in the hands of the few to the exclusion of the many, on the other hand. There may be factions or subdivision of parties; but when the great principles come to be acted upon, the rank and file of every faction and subdivision, with their leaders at their head, banner in hand, will be seen to rush to the standard of their first principles, regardless of their peculiar notions about minor matters, as you will see the factions of all names and hues rally to the standard of Federalism in the coming contest; and although each faction may pretend to march

after its own banner and wear its own uniform, yet each individual of each faction will be known by one badge, which he will wear in his heart, if not on his hat—I mean the black cockade.

Sir, I say every Government has two parties, and every honest man in the community belongs to one or the other. Show me a man that belongs to no party, and I will show you a man without principle. Show me a man who has no party feelings and predilections, and I will show you a fool or a knave—a man who needs a keeper, or one who will steal your horse. The proper place for such a man is the poor-house or the penitentiary. Avoid such a man; if you meet him, he will either beg your purse, or rob you of it. Party is the salt of the nation. It establishes a watchfulness and wholesome guardianship over the institutions of our country; it checks and restrains the reckless ambition of those in office, and never fails to expose the nonfeasance, misfeasance, or malfeasance of those in power. But it is possible for party feelings and party practices to run too high, and thereby produce the very evils which they are so well calculated to suppress. When party feelings run so high as to submerge political morality, the worst of evils are to be apprehended. Party feelings and party ambition may become so reckless, as to overflow the best prospects of our country, prostrate the free institutions which constitute the basis of civil and religious liberty, and subvert the Government itself in their desolating sweep; and, I must confess, that I have some fearful apprehensions that we now border on such a state of things. Let us examine the New Jersey elections which involve the present contest. The examination of the question will show whether my fears are well founded, or whether they spring from a timid heart or a dis-tempered head.

On the first Monday of last month, which was its second day, we, the supposed members of the Twenty-Sixth Congress, assembled in this hall, and at the usual hour (12 o'clock) the Clerk of the House of Representatives for the previous Congress, in conformity with his official duty as established by custom existing from the foundation of our Government, and under the solemnity of the oath he had taken at the threshold of his duties, commenced making out and calling the roll of members who, he had been informed and believed, were elected to the Twenty-Sixth Congress. As has been the custom, he commenced, geographically, the call of members from the State of Maine, and proceeded through New Hampshire, Connecticut, Vermont, Massachusetts, Rhode Island, New York, and to the name of JOSEPH F. RANDOLPH, a Representative from the State of New Jersey. Here the Clerk was arrested with the cry of "*Pass over New Jersey!*" He stated that the election of five of the New Jersey members having certificates of election, and claiming seats thereby, were contested, and there were conflicting evidences in his possession, and submitted to the House whether he should pass the State of New Jersey until the members from the other States should be called. Here the game was blocked. Here the proceedings to organization were arrested; here the controversy commenced, all on that simple and respectful

statement and submission of the Clerk. Those opposed to the Democratic party and the Administration insisted that the names of the certificate members from New Jersey should now be called. The friends of the Administration were in favor of the Clerk's suggestion, to the end that the conflicting claims might be examined, and justice be done. The result has been many days of moderate, warm, angry, violent, and tempestuous debate, at an immense expense to the American people, when there was really no question involved except as to the propriety of *postponing* the call of New Jersey until the other States should be called, to the end that *justice* might be done. I might here ask what can be the motive which has superinduced this unexampled array of hostility to so respectful and rational a proposition made by the Clerk. I have before hinted at a reason; others will be developed as the history of this contest is unfolded. But a word in defence of the course of the Clerk in this controversy, and the reasons which governed him. I have said that it was a part of the official duty of the Clerk to make out a roll, and call the names of the members of the Twenty-sixth Congress. This he was to perform under the solemnity of an oath, for the faithful performance of which he is answerable at the bar or his country, and at the throne of eternal justice and Divine accountability. What was his duty under this solemn responsibility? Was it any part of his duty to enrol and call the names of men who were *not* members of the Twenty-sixth Congress? He stated at the outset, and he continues to state, that there are conflicting evidences in his possession as to the members from New Jersey, and that he does not feel warranted in taking the responsibility on himself of calling and enrolling the names of men—which call may entitle them to seats in this hall—whom he has good reason to believe have not been returned by the people. Sir, his course has been in conformity with the duties of his station, his obligation to his conscience, his God, and his country; and any other course would have been a violation of his oath, and his religious, moral and political duty. His course has been just, manly and dignified, and will meet the approbation and support of every man in the community untainted and uncorrupted by party poison. But what has been his reward here? Day after day contumely, abuse and derision have been poured upon him in an unceasing torrent. No names have been too degrading to use upon him; no motives too corrupt to attribute to him. He has been charged with being the catspaw of a party, and driven to the stand he has taken as the reward he is to receive in the renewal of his station. Sir, I have never conversed with the Clerk upon the subject, but I take the responsibility upon myself to deny, in unqualified terms, that he has ever been flattered, driven, bribed, or hired to the course he has taken. I throw back the charge upon those who make it. I can maintain what I say. Now, sir, I present the copy of the certificate of the Secretary of State for the State of New Jersey. Here it is. I ask that it may be read from the Clerk's table, together with all documents on his table going to show that MESSRS. DICKERSON, VROOM, KILLE, RYALL, COOPER, and RANDOLPH,

were the six candidates who received the greatest number of votes for the Twenty-sixth Congress of the United States in the State of New Jersey, and are, and of right ought to be, the members returned—all of which I intend to incorporate with, and make a part of, my speech.

The Clerk read as follows:

STATE OF NEW JERSEY, SS.

I, James D. Westcott, Secretary of State of the State of New Jersey, do hereby certify, that upon a careful examination of all the returns made by the several clerks of the respective counties in said State, and filed in my office, and also of returns of votes given in the townships of South Amboy, in the county of Middlesex, and of Millville, in the county of Cumberland, verified by the affidavits of the several township officers of election in said townships respectively, which township returns were not included in the returns of the clerks of said counties of Middlesex and Cumberland, and which were directed to be filed by the Governor, and now remain on file in my office, of the election for members to represent this State in the House of Representatives of the Twenty-sixth Congress of the United States, held on the ninth and tenth days of October, anno Domini one thousand eight hundred and thirty-eight, it appears that Philemon Dickerson received 28,453 votes, Manning Force 28,314 votes, Peter D. Vroom 28,492 votes, Daniel B. Ryall 28,441 votes, William R. Cooper 28,455 votes, Joseph Kille 28,426 votes, John B. Aycrieg 28,294 votes, John P. B. Maxwell 28,383 votes, William Halsted 28,337 votes, Joseph F. Randolph 28,427 votes, Charles C. Stratton 28,396 votes, and Thomas Jones Yorke 28,321 votes, and by which it appears that, at said election, Philemon Dickerson, Peter D. Vroom, Daniel B. Ryall, William R. Cooper, Joseph Kille, and Joseph F. Randolph received a majority of the whole number of the votes given in the State of New Jersey for Representatives of said State in the House of Representatives of the Twenty-sixth Congress of the United States.

In testimony whereof, I have hereunto set my hand and affixed my seal of office at the city of Trenton, in said State, [L. s.] this twenty-fifth day of October, in the year of our Lord one thousand eight hundred and thirty-nine, (1839,) and of the Independence of the United States the sixty-fourth.

JAMES D. WESTCOTT.

This, sir, (said Mr. D.) is the certificate of the Secretary of State, an office as old as the State itself. Created by its Constitution, its responsibility is of the highest character; its duties of the most sacred nature, and its importance not inferior to that of the Governor. This officer is elected by the Legislature, as the Governor is, and responsible both to the Legislature and to the people. His duty involves the care of the archives of the State—the care of the files and the records. Here is an official document given from under his hand, with his seal of office affixed, and under the responsibility and solemnity of an oath which he took at the entrance upon his official duties. Here, sir, you have *prima facie* evidence of the fact that the certificate members are *not* entitled to seats in this hall.

Before I proceed, give me your attention for a few moments while I give a short history of the manner in which *Congressional elections* (for I have nothing to do with any other in this case) are conducted in New Jersey, for the benefit of those who may read me. By the laws of New Jersey, the election for members of Congress and the State Legislature is held at the same time, except when electors of President and Vice President are chosen. The time is the second Tuesday of October, and the day following. One poll is held in each township. The election is by ballot; and the votes for all the candidates are put in the ballot box in the several townships. The assessor and the collector of the township, with a judge of election chosen for the purpose at the annual township meeting, preside over and act as judges and inspectors of the election, and the township clerk officiates as the clerk of the election. The

time of opening and closing the poles is the same in all the townships, and is established by law. The candidates for Congress are nominated in the several counties on the first Monday of September. The county clerks transmit the names of the persons nominated to the Governor of the State. The Governor prepares and transmits a true list of all the persons nominated, to the clerk of each county in the State. It is the duty of the county clerk of each county to transmit a copy to each township clerk in each county. It is the duty of each township clerk to put up copies for the information of all, and the election is made from the persons thus nominated.

This is the history, now for the law. The law provides that after the polls are closed it shall be the duty of the judge and inspectors, and the clerk of the election, to proceed immediately

"To take an account of, and cast up, the votes given for each candidate, make a list of the same, which list they shall sign, certify, seal up, direct, and transmit to the clerk of the county, who shall attend at the court house of the county on the Saturday next after the day of the election, for the purpose of receiving the same, which list shall be delivered to him before five o'clock in the afternoon of said day, which said clerk shall proceed in a public manner to make one general list of all the candidates voted for as aforesaid, together with the number of votes received for each of them, and shall transmit the same at the expense of the State, to the Governor, or person administering the Government, within seven days thereafter, having first caused a duplicate thereof to be filed in his office, together with the lists from the said township."

The law further provides and makes it the duty of the Governor, that,

"If the certified lists of votes given for Representatives in Congress shall not be received from the clerks of any of the counties of the State, by him, within seven days after the time prescribed by law for casting up the same, &c. by the clerks, as aforesaid, forthwith to send express to the clerk of the county or counties, from which such certified lists have not been received, and to procure the same at the expense of the State."

And it is further made the duty of the Governor,

"Within five days after receiving the said lists, to lay the same before a Privy Council, to be by him summoned for that purpose; and after casting up the whole number of votes from the several counties for each candidate, the said Governor and Privy Council shall determine the six persons who have the greatest number of votes from the whole State, for Representatives in Congress of the United States from this State, and forthwith commission them," &c.

This, sir, is "*the law and the prophets*," and substantially all the law that bears on the case. And now for the facts: By the laws of New Jersey, her members of Congress are elected the year preceding the Congress in which they take their seats. The second Tuesday, and the day following, of October, 1838, were the days on which the election was held for the members of this Congress. Two sets of candidates were nominated, as provided by law. MESSRS. DICKERSON, VROOM, RYALL, COOPER, KILLE, and FORCE, were the Democratic candidates; MESSRS. AYCRIGG, MAXWELL, HALSTED, YORKE, STRATTON, and RANDOLPH, were the Federal candidates, six Representatives being the number to which New Jersey is entitled. The polls were open at the legal hour in the different townships. The elections were conducted in a fair and proper manner; legal votes were received, and spurious ones were rejected. The polls were closed at the proper hour. The voice of the sovereign freemen of New Jersey was expressed, and that expression deposited in the ballot boxes. All that remained to be done was the public promul-

gation of that voice through the mediums provided by law. Those provisions were carried into practice, in conformity with the *spirit and meaning* of the law, and according to its letter, except in the cases which I shall name hereafter. The township election officers made their returns to their respective county clerks. The several county clerks made their returns to the Governor; and the returns made and now on file of office, in the office of the Secretary of State, and in his possession, show that the Democratic candidates had as follows:

Philemon Dickerson	-	-	28,453 votes.
Peter D. Vroom	-	-	28,492 "
Daniel B. Ryall	-	-	28,441 "
William R. Cooper	-	-	28,456 "
Joseph Kille	-	-	28,427 "
Manning Force	-	-	28,314 "

The Federal candidates had as follows:

John B. Ayerig	-	-	28,294 votes.
Jno. P. B. Maxwell	-	-	28,383 "
Wm. Halsted	-	-	28,366 "
Charles C. Stratton	-	-	28,396 "
Thomas Jones Yorke	-	-	28,321 "
Joseph F. Randolph	-	-	28,427 "

Consequently, by the practical operation of the simple rule of subtraction, it is reduced to a mathematical certainty that

Mr. Dickerson's majority over Mr. Ayerig is 159 votes.

Mr. Vroom's majority over Mr. Maxwell is 109 votes.

Mr. Ryall's majority over Mr. Halsted is 105 votes.

Mr. Cooper's majority over Mr. Stratton is 60 votes.

Mr. Ryall's majority over Mr. Yorke is 106 votes.

Mr. Randolph's majority over Mr. Force is 113 votes.

Mr. Randolph, one of the Federal candidates, ran over his party strength, and Mr. Force ran behind his party strength. Consequently, the tables which I exhibit show Mr. Randolph to have a small majority over Mr. Force. The statement which I have now exhibited, is true as holy writ; and I will prove it as clear as the unclouded sun at noonday, to every man in this Union, who is not as blind with party poison as a copper-head in dog-days. As a part of that proof, I have exhibited the certificate of the Secretary of State, with his official signature, and his seal of office annexed; and I have shown the importance of that office, and the responsibility of that officer. I now proceed to exhibit further evidence, to show the correctness of the conclusions to which I have arrived, and to establish the truth of the assertions I have made; evidence which is indisputable, and that which no man will deny, who regards his reputation for consistency, truth, and sincerity. I proceed to show, as well the fact that Messrs. Ayerig, Maxwell, Halsted, Yorke, and Stratton, are not elected to this Congress, or that Messrs. Dickerson, Vroom, Ryall, Cooper, and Kille, are, and the evidence which shows the latter to be elected, shows the former not to be. I now exhibit the return of the clerk of the county of Middlesex, as made at first, in which the township of South Amboy is omitted:

The following is an accurate copy procured from the proper authority:

Townships.	North Brunswick	South Brunswick	Pecataway	Woodbridge	Monroe	South Amboy
John B. Aycrigg.	494	494	494	494	494	494
John P. B. Maxwell.	494	494	494	494	494	494
William Halsted.	494	494	494	494	494	494
Joseph F. Randolph.	494	494	494	494	494	494
Charles C. Stratton.	494	494	494	494	494	494
Thomas J. Yorke.	494	494	494	494	494	494
Philemon Dickerson.	494	494	494	494	494	494
Manning Force.	494	494	494	494	494	494
Peter P. Vroom.	494	494	494	494	494	494
Daniel B. Ryall.	494	494	494	494	494	494
William R. Cooper.	494	494	494	494	494	494
Joseph Kille.	494	494	494	494	494	494
Whole number of votes.	494	494	494	494	494	494

*From this township no return, pursuant to law, has been received.

A List of Votes taken in the County of Middlesex on the ninth and tenth of October, A. D. 1833, for Members of the Twenty-sixth Congress of the United States, as received at the Clerk's office from the Judges and Inspectors of the several Townships, pursuant to law.

In witness whereof, I have hereunto set my hand and affixed the seal of said county, at New Brunswick, this fifteenth day of April, A. D. 1839.

N. BOORAEM, Clerk.

It will be seen by the above table that the vote of South Amboy materially changes the result of the county return as acted on by the Governor and Council. It reduces the average majority of the Federal candidates, which is 425, to the average majority of 173 votes.

The next link in my chain of evidence, is the aggregate returns of the clerk of Cumberland, with the exception of the votes of the township of Millville. I say the aggregate return, for I have no other. The clerk of the county failed in his duty to make the general return in the usual way; that is to specify the vote of each township in the county return, evidently to practise a fraud, if necessary to secure success to the Federal ticket.

The aggregate vote, with the exception of the township of Millville, is - 2104 votes.

Of which Messrs. Aycrigg, Maxwell, Halsted, York, and Stratton received 1090 " And Messrs. Dickerson, Vroom, Ryall, Cooper, and Kille, received - 1019 "

It will be seen by this mutilated return that the Federal candidates have an average majority of sixty-six in the county of Cumberland, and this is the return upon which the Governor and Council acted. But what is the fact? Here I exhibit another link of evidence, which will show. Here is the certificate of the election officers of the township of Millville, in the county of Cumberland. It is as follows:

We, the judge and inspectors of election in the township of Millville, in the county of Cumberland, do hereby certify, that having proceeded to receive the votes of the voters of the said township, the following is a list of all the candidates voted for, of the offices proposed for them, and the number of votes for each:

For Congress.

Joseph Kille, Salem	206
William R. Cooper, Gloucester	206
Daniel B. Ryall, Monmouth	206
Peter D. Vroom, Somerset	206
Manning Force, Morris	205
Philemon Dickerson, Passaic	206
Thomas Jones Yorke, Salem	100
Charles C. Stratton, Gloucester	100
Joseph F. Randolph, Monmouth	100
William Halsted, Mercer	100
John P. B. Maxwell, Warren	100
John B. Aycrigg, Bergen	100

Whole number of votes, 306.

In witness whereof, we have hereunto set our hands and seals this tenth day of October, A. D. one thousand eight hundred and thirty-eight.

PRESTON STRATTON, Judge. [L. s.]

WM. CHARLESWORTH, Insp. [L. s.]

ISAAC BUZBY, Insp. [L. s.]

LEWIS MEDFORD, Jr. Clerk.

"The words, "whole number of votes three hundred and six," were interlined before signing.

We, the subscribers, residents and freeholders in the township of Millville, do hereby certify that William Charlesworth was duly and legally elected one of the Inspectors of an election for members of Congress, members of Council, Assembly, Sheriff, and Coroners, held in the township of Millville, in the county of Cumberland, on the ninth and tenth day of October, eighteen hundred and thirty-eight, in the room and place of Nathaniel Foster, who, being a candidate, could not serve.

WM. STRATTON, [L. s.]

JAMES M. BROOKFIELD, [L. s.]

JOHN OTTERSON, [L. s.]

STATE OF NEW JERSEY,
CUMBERLAND COUNTY, SS.

I, Josiah Fishan, Clerk of the Court of Common Pleas in and for said county, do certify that the foregoing are true copies of the original certificates received by me at my house, by the hands of William Stratton, on Saturday, the 13th day of Octo-

In witness whereof, I have hereunto set my hand this nineteenth day of October, A. D. 1833.

N. BOORAEM,

Clerk of the county of Middlesex.

Here, sir, is the return of the county clerk of Middlesex, upon which the Governor and his Council acted, and by which it is seen that the entire vote of South Amboy is left out, and the Governor and Council knew the fact, because the return shows it on its face. I now exhibit the return of the election officers of the township of South Amboy. Here it is:

We, the judges and inspectors of the election of the township of South Amboy, in the county of Middlesex, do hereby certify that, having proceeded to receive the votes of the voters of the said township, the following is a true list of all the candidates voted for, of the offices proposed for them, and of the number of votes for each:

For members of the Twenty-sixth Congress of the United States.

Philemon Dickerson had	296
Manning Force	296
Peter D. Vroom	296
Daniel B. Ryall	296
William R. Cooper	296
Joseph Kille	296
John B. Aycrigg	44
John P. B. Maxwell	44
William Halsted	45
Joseph F. Randolph	44
Charles C. Stratton	44
Thomas J. Yorke	44

The whole number of votes taken, three hundred and forty. In testimony whereof, we have hereunto set our hands and affixed our seals, the tenth day of October, A. D. 1833.

NATHANIEL HILLYER, [L. s.]

JAMES M. WARRN, [L. s.]

STEPHEN BEULEAD, [L. s.]

Judges of Election and Inspectors.

STATE OF NEW JERSEY,
MIDDLESEX COUNTY, SS.

I, Nicholas Booraem, Clerk of the county of Middlesex aforesaid, do hereby certify that the foregoing is a true copy from an original paper, on file in my office, and that the said original paper has the following endorsement, to wit: "South Amboy return of votes, October, 1833, not pursuant to law, received October 12, 1833.

N. BOORAEM, Clerk.

ber, A. D. 1838, between the hours of ten and eleven o'clock in the afternoon of said day.

In testimony whereof, I have hereunto subscribed my name, and affixed my seal of office, this eighteenth day of October, anno Domini one thousand eight hundred and thirty-eight.

JOSIAH FITHIAN, CLK.

It is seen by this return that Messrs. Dickerson, Vroom, Cooper, Kille, and Ryall have two hundred and six votes; and Messrs. Aycrigg, Maxwell, Halsted, Yorke, and Stratton, have one hundred votes. Dickerson and his associates having one hundred and six of a majority when the vote of Millville is added to the general return of Cumberland county.

The matter stands thus: By the whole returns of the State, except the townships of South Amboy, in the county of Middlesex, and Millville, in the county of Cumberland, is, (average vote) for Messrs. Aycrigg, Maxwell, Halsted, York, and Stratton - - - - - 28,150
For Messrs. Dickerson, Vroom, Cooper, Kille, and Ryall - - - - - 27,951

Which gives Messrs. Aycrigg and Co. a majority of - - - - - 199

But when we read the votes of the township of Millville and South Amboy, the tables are turned. There they are—look at them.

The following table exhibits the result of the election, had the votes of the townships of Millville and South Amboy been counted.

	Gen. list.	Millville votes.	S. Amboy, do.	Total.
Dickerson,	27951	206	296	28453
Force,	27813	295	296	28314
Vroom,	27990	206	296	28492
Ryall,	27939	206	296	28441
Cooper,	27954	206	296	28456
Kille,	27925	206	296	28427
Aycrigg,	28150	100	44	28294
Maxwell,	28239	100	44	28294
Halsted,	28192	100	44	28383
Randolph,	28283	100	44	28427
Stratton,	28252	100	44	28396
Yorke,	28177	100	44	28321

By this table it is seen that Mr. Dickerson's whole vote is - - - - - 28,453
Mr. Aycrigg's - - - - - 28,294

Mr. Dickerson's majority - - - - - 159

Mr. Vroom's whole vote - - - - - 28,492
Mr. Maxwell's " " - - - - - 28,383

Mr. Vroom's majority - - - - - 109

Mr. Ryall's whole vote - - - - - 28,441
Mr. Halsted's " " - - - - - 28,336

Mr. Ryall's majority - - - - - 105

Mr. Cooper's whole vote - - - - - 28,456
Mr. Stratton's " " - - - - - 28,396

Mr. Cooper's majority - - - - - 60

Mr. Kille's whole vote - - - - - 28,427
Mr. Yorke's " " - - - - - 28,321

Mr. Kille's majority - - - - - 106

This expose brings us to the indisputable and incontrovertible fact that I asserted when I commenced this investigation, as set forth in the table which I before exhibited, viz:

That Mr. Dickerson's majority over Mr. Aycrigg is 150 votes.

Mr. Vroom's majority over Mr. Maxwell is 109 votes.

Mr. Ryall's majority over Mr. Halsted is 105 votes.

Mr. Cooper's majority over Mr. Stratton is 60 votes.

Mr. Kille's majority over Mr. Yorke is 106 votes.*

I have shown that an election was held in the State of New Jersey for the election of Representatives to the Twenty-sixth Congress; that it was held at the proper time is not denied; that it was held in the proper manner, as prescribed by the Constitution and the laws of New Jersey, is not denied; that the officers of election for the several townships were legally and properly qualified to officiate as such is not denied; that the polls were opened and closed at the legal hour is not denied; that the election, so far as the reception and record of votes by the election officers of the several townships, was fairly conducted, is not denied; that voters who voted were qualified and entitled to the elective franchise is not denied, (except for the mere purposes of quibble,) and that the returns by the township clerks to the county clerks, and from the county clerks to the Governor, has been made in conformity with the meaning and spirit of the Constitution and laws of New Jersey. And by these returns I have shown that Messrs. Dickerson, Vroom, Cooper, Kille and Ryall have a majority of all the votes given at the election. And why are they not now occupying their seats, and taking a part in the discharge of their duty as Representatives from the *State of New Jersey*? Sir, I will go on to expose the reasons, and I undertake to say that the development will unfold more fraud, foul iniquity, and barefaced villany than has been practised, or attempted to be practised, in any place or at any time since the formation of this Government, to prostrate the right of suffrage, and violate the purity of the elective franchise; and this in open violation of law, which the actors had taken a solemn oath to sustain, and which it was their official, political, and patriotic duty to have sustained, without regard to that oath? I proceed to disclose: It is said that the returns from the townships of South Amboy and Millville, not having been made to the clerks of their respective counties in due form, within the proper time, ought not to have been counted by the Governor and Council; and upon this miserable, diminutive, and squeaking quibble, rest the claims of the usurpers. What are the facts, as disclosed by the evidence on your table, and which has been read to this body?

I read from the Democratic Review, a faithful

*No notice is taken in this estimate of the votes of Mr Force, the Democratic candidate, or Mr. Randolph, the Federal candidate. It is given up that Mr. R. was elected by a small majority over Force.

work, which ought to be in the hands of every Democrat in this Union:

The South Amboy return was made up in due form, except that it was not signed by the clerk of the election, and that no certificate of the election of James M. Warne, as one of the inspectors, he having been duly elected to that office on the morning of the first day of election, was sent with the return. The return was delivered to the clerk of the county on the twelfth of October, by Mr. Wood, the clerk of election; he states, under oath, that he delivered it on that day to Mr. Booraem, and "asked the said Nicholas Booraem if it was correct, so that if it was not it might be made correct, to which the said Nicholas Booraem replied, as this deponent believes, that it was all right, and proceeded to take down the votes for members of Congress from off the said certificate along with the returns of other townships, before deponent left the office." And the fact is that he did, in the first official list prepared by him, include the South Amboy return, for Mr. Steele has deposed that Booraem showed him the official list, with all the townships in it, on the *fifteenth*, in the clerk's office.

The first return from Millville was informal in two or three particulars; but the only objection to the *second* was, that it was received *six hours* after the appointed time, though *four days* before the county clerk actually made up his return for the county. For the second return for Millville was delivered to the clerk at 11 p. m. on Saturday, the thirteenth of October, and his return to the Governor is dated the seventeenth.

The grounds, therefore, upon which these returns were rejected are:

1. For want of the signature of the clerk of election; and
2. For want of a certificate of the election of an inspector in South Amboy; and
3. Because received six hours after time in the Millville case.

These are good grounds for refusing to count the votes of Millville and South Amboy! But you dive to the depths of research and you can find no other reason to justify the reason why they constitute *good ground* for refusing to count them than that they return a *Democratic majority*; and so say virtually the Governor and Council.

For upon examination of the official returns from all the counties on file in the Secretary of State's office in New Jersey, it appears that no certificate of the election of the person who acted as judge in Dover township, *Monmouth* county, was received in time, and that no lawful certificates of the election of either judges or inspectors in Shrewsbury or Dover townships, were ever received by the county clerk. In *Burlington* county the returns of the townships of Burlington, Washington, Chesterfield, New Hanover, and Little Egg Harbor, were neither of them signed by the clerks of election; the return from Mansfield township was without the signature of the clerk and one of the inspectors; and that from Chester township was received open and unsealed; and in Somerset county no certificate was ever filed with the clerk of the election of William Parker, who appears, by the returns, to have acted as one of the inspectors in Franklin township.

Yet the returns from all these townships, though accompanied with the evidence of these informalities, were received and counted.

Shrewsbury gave a Federal majority of	-	-	-	63
Dover	"	"	"	246
Burlington	"	"	"	17
Washington	"	"	"	138
Little Egg Harbor	"	"	"	65
Mansfield	"	"	"	9
Chesterfield	"	"	"	52
New Hanover	"	"	"	34
Chester	"	"	"	18
Franklin	"	"	"	207

Making a total of - 849

Thus, while the township returns of South Amboy, giving a Democratic majority of two hundred and fifty-two, were rejected for want of the signature of the clerk, and the certificate of the election of an inspector, and the returns of ten Federal townships, giving a Federal majority of eight hundred and forty-nine votes, though all wanting one or both the requisites adjudged vital in the Amboy case, or some other equally important, were received and counted.

Here, sir, you have fraud in its naked deformity, unsophisticated and unburnished; political corruption and robbery perpetrated in open day, while the sun is at meridian, and in the wakeful face and staring countenance of all living. Yes, sir, open-handed, unblushing, and unconcealed treason, of the most alarming and dangerous cha-

racter, and which would justly hang its perpetrators by the neck until they were dead, dead, dead, in any other time than when the political atmosphere is distempered and poisoned with party ambition, an indomitable love of power, and moral depravity. My language is strong, and, perhaps, offensive; but the crime I am exposing is stronger, and more offensive. It is no less than a bold, depraved, and open attempt to prostrate the elective franchise, and thereby subvert the Constitution and overthrow the Government. Can any language be too strong to denounce such a desperate, daring, damning attempt? "*But the returns were not made in time.*" Why were they not made in time? The law which I have read specifies *no time* when the Governor and Council shall proceed to count up the votes, etc. other than that they shall proceed, etc. within five days after receiving the lists, etc. The Legislature of New Jersey, with reason, contemplated the possibility that the clerks might not send up the returns within the times specified by law. They therefore wisely defined *no time* when the Governor and Council should proceed to cast up the votes, etc. other than the time, viz: "*within five days*" after the time when all the lists should be returned. But the Legislature further contemplated the possibility that not only the lists might not be returned within the time defined by the law, but also that the clerks might fail to make the returns at all. The law, therefore, provides that if the clerks shall fail to make returns within the times specified, it shall be the duty of the Governor to send forthwith, at the expense of the State, for the returns so neglected to be made; and yet, it is urged as a reason that the votes of South Amboy and Millville should not have been counted, because the returns were not made in time, when the very reason that they were not made in time, has its foundation in the failure of the Governor to do what the law commanded him to do, and what his office and oath bound him to do, and in refusing to do which he violated both.

Sir, there is no means left for the Governor or his partisans to get him out of the difficulty and disgrace in which his conduct has involved him, except ignorance of his duty or the law, which he was bound to know. Ignorance or fraud is the horn of the dilemma on which he dangles, make the best you can of it: both inexcusable and unpardonable in a political, legal and civil sense. And this he virtually admits himself, in the following communication, which I now ask leave to read, and to which I shall have occasion to refer hereafter. In the Governor's opinion to his Privy Council, he says:

"What does the law direct the Governor to lay before the Privy Council? *The said lists*, referring manifestly to the lists transmitted by the county clerks, which has been mentioned immediately before. What are the Governor and Privy Council to do with the lists thus laid before them? They are to cast up the votes. When this is done, what are they to determine? Who are entitled, under all the circumstances, to the seats in Congress? No, but they are to determine the six persons who have the greatest number of votes." No language can be plainer. Was it ever intended by our laws to make the Governor and his Privy Council the arbiters of an election? There is no power conferred on us to examine a single witness, to send for persons or papers, or to take one step towards a judicial investigation. If we may go behind the returns of the county clerks to those of the township officers, why should we stop there? We may, by the same authority, and with equal reason, undertake to examine the proceedings of those town-

ship officers at the polls. Who has ever dreamed of a Governor and Privy Council of New Jersey setting themselves up to decide on any of these matters? They always have been, and from the very words of the act must be, confined to the clerks' returns, and to the duty of *casting up* the votes.

"But it will be asked, with force and propriety, is a candidate to lose his seat in Congress because a county clerk does not make a return of the votes? Certainly not. If, through inadvertence or by design, any votes have not been returned by the clerks, it is in the power of the House of Representatives, in their discretion, to allow those votes and give the seat to the person who, with those votes, may be elected. All representative assemblies possess and continually exercise the right of deciding who is entitled to a seat in them. We give the certificates to the persons who may appear, by casting up the clerks' returns, to have the greatest number of votes; we are, by law, obliged so to do; but the House of Representatives may go further, and inquire whether any votes have not been returned and counted, and if such be the case, may allow them in their discretion. Our laws evidently contemplate such a state of things, for they require the township officers to make out a duplicate certificate of such election, and to file the same with the town clerk, 'to be used as occasion may require.' It would be to me a most painful reflection, were I to believe that the restraints under which we are placed by the law, of not going beyond the certificates of the county clerk, would deprive any candidate of his ultimate rights. I declare here my earnest wish, that before the proper and constitutional tribunal for deciding the matter, each candidate may have the full benefit of every legal vote he may have received at the election."

Let it be remembered when the above expose was made, and the admissions therein submitted, it was more to allay public indignation, which was howling round him like a tempest. In the first paragraph of this expose, which is devoted to defining the duties of the Governor and Privy Council, it will be perceived in relation to elections, that one of the most important duties that devolves on the Governor, viz. that of sending for the polls when the clerks fail to send them up within the time specified by law, is not hinted at, which he failed to discharge in this case, and which, if he had performed, would have saved all the trouble of this hypocritical and metaphysical definition of duty, and Messrs. Dickerson, Vroom, Cooper, Kille, and Rya! would now be in their seats, representing the "*sovereign State of New Jersey*," in conformity with the voice of her freemen, as expressed through her ballot boxes on the "*second Tuesday and the day following of October, 1838.*" I say it is the withholding of this duty in the above definition; and whether it was the fault of stupid ignorance or corrupt design, perhaps his friends can answer.

But, sir, the returns *were* before the Governor and Privy Council, and were acted upon by them; but were set aside, not because they were not made in time, merely, but because they were not made *formal in time!!* All this objection for want of time and formality in the returns of Millville and South Amboy would have been regarded as a quibble worthy of a contemptible pettifogger, if, when opened, they had displayed the glorious intelligence of a Whig victory. Yes, sir, all such objections would have been scouted and sunk into nothingness; but as they unfolded the astounding and prostrating intelligence that a Democratic victory had been gained; that Federalism was overthrown, and routed horse, foot and dragoons, the objections were insurmountable in the eyes of the *conscientious Governor* and his partisan Privy Council, and of this we have proofs in the reception of the informal returns of the Federal townships, to which I have referred. Sir, I am done with the history and the facts of this case, only as I may have to refer to them incidentally. I have stated no fact in its exposition, in which I

have not been sustained by proof indisputable and incontrovertible, and there is no reason why Mr. Dickerson and his associates should not *now* take their seats; no substantial reason exists why they should not have taken their seats at the commencement of the session. The Constitution of the United States, the laws of New Jersey and the policy of this Government, which secure the election to the man or set of men who have the greatest number of votes in an election, shall be the member or members returned, shall be entitled to be sworn, and take his or their seat or seats. Mr. Dickerson and his associates are these men. Sir, much complication has been thrown around, and much perplexity interwoven in this question, whereas there is but one simple, plain proposition involved, and that is the question of *return*. Who has the State of New Jersey returned to the Twenty-sixth Congress of the United States? Is it Mr. Dickerson and his associates, who have received "*a majority of all the votes in the State,*" and who have now on our Clerk's table indisputable evidence of the fact, and who were the favorite candidates of the *people*, or is it Mr. Ayerigg and his associates, who have received a majority of all the votes in the State, as the proof on our Clerk's table shows conclusively, and who are but the favorite candidates of a corrupt Governor and a Federal partisan Privy Council, who claim seats here merely by virtue of a Governor's certificate and a *broad seal*. The question I say is a question of return merely, and involves no other principle.

The Constitution of the United States, art. 1, sec. 2, declares that "the House of Representatives shall be composed of members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature." "No person shall be a Representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen." It also declares, in section 4, that the times, places, and manner of holding elections for Senators and Representatives, shall be prescribed, in each State, by the Legislature thereof; but Congress may at any time, by law, make or alter such regulations, except as to the places of choosing Senators." And, in section 5, that "each House shall be the judge of the elections, returns, and qualifications of its own members." This is the whole of the provision of the Constitution of the United States on the subject.

I repeat, that no question but that of the returns is involved; none other claims our consideration for a moment. The fifth section of the first article of the Constitution here read, provides that each House shall be the judge of the election, returns and qualifications of its own members. A question might present itself in which the returns, qualifications, and elections might all be involved. But in this case no such question is presented. The *qualifications* of the members presenting claims are not doubted; they all come up to the standard of the Constitution. The mode and manner in which the election was conducted came up to the standard of the laws of New Jersey: there is no real objection on that subject. So there is no question of "*election*" involved. It is the returns alone upon which this House is called upon to act. Strip the subject of all the complication in which it has been unnecessarily involved, and the question simply turns upon the power of the Governor's certificate, with the *broad seal* annexed, and the power of the ballot box. If the verity and power of the Governor's *broad seal* and certificate convey

with them more political, constitutional, and legal omnipotence than the voice of a majority of the freemen in New Jersey, then is Messrs. Aycrigg and company entitled to seats in this Congress. But if the voice and suffrage of the people are to prevail, then give Messrs. Dickerson and company their seats. We have been read many loud and long lessons on the importance, value, and power of the broad seal of New Jersey, and the precedents in favor of the verity and solemnity attached to the broad seal, and of the vast importance of strict and unyielding adherence to precedent in support of the regard due to the broad seal. This stuff has been hammered into me until I am benumbed. *Fundamental law, fundamental principles, common law, usages, customs, and precedents* have been harrowed up from the rust and ashes of antiquity back to the dark and barbarous ages of the Norman conquest, and arrayed in support of the vast, omnipotent and divine importance which is made to attach to Governor Pennington's certificate and the broad seal of New Jersey. Now, sir, all the thanks that I have to return for all the labor of mind and body spent in this behalf, is, that I have a most sovereign and indignant contempt for common law, fundamental law, broad seal, precedent, and company; only as they go to support the plain principles of common sense—the principles of right, justice, and political freedom. Sir, I have the candor to acknowledge, that if I can maintain the character of possessing common sense, and an intention to do justice, it is the height of my ambition. I will never tax my brain with the investigation of abstruse, abstract, and fundamental principles, common law, precedent, &c. If the effect of such an investigation is to force upon me such conclusions and principles as have been advanced in this contest, I will leave such an investigation with those who smother and trample under foot the voice of sixty thousand freemen, by the omnipotence attached to a Governor's certificate and a broad seal. If the effect of such kind of learning and metaphysical research is to so far corrupt the heart and distemper every patriotic feeling, as to induce him who possesses it to prostrate the Constitution, nullify the spirit and meaning of the laws, and overthrow the freedom of the elective franchise, I beg to be excused from such learning and such research.

But we are asked how we can look behind the Governor's certificate and the broad seal? Are we going to blot out the State of New Jersey from the Federal Union? Are we going to pluck out one of the stars from the political firmament of this Government? Are you going to annihilate one of the old thirteen States of this Union, who poured out her blood like water in the Revolution? which you will do, if you disregard her broad seal, which is the evidence of her sovereignty? Sir, this is all flummery and fog. The sovereignty of New Jersey does not consist in Governor Pennington, his broad seal, or his certificate; nor is either of them, or all put together; in this case, evidence of her sovereignty. The certificate is a fraud and a falsehood, and the broad seal is but the evidence of the official character of him who perpetrates the one and asserts the other. Our effort is to maintain the sovereignty of New Jersey

and her elective institutions, and the voice of her freemen, by preventing all from being sacrificed at the shrine of Federal corruption and the love of power. When, from absolute necessity, General Jackson declared martial law in the city of New Orleans, and suspended the writ of *habeas corpus*, and thereby saved the city from pillage, plunder, slaughter, and destruction, the Federal yelp was raised, loud and long, that it would have been better that New Orleans had fallen into the hands of the enemy, and Louisiana sunk, than that martial law should have been declared. It was a stroke of military despotism more dangerous and fatal in its character to the free institutions of this country and this people, than to have sunk New Orleans and Louisiana with her! What is the attempt we now see by the same party? no less than to overthrow the suffrage of sixty thousand freemen, to the end that credence may be given to a broad seal, evidencing nothing but the official character of the manufacturer of a false certificate! But we are told that the Governor's certificate, with his broad seal, is "*prima facie evidence*" that those who have it are truly elected, and we are bound to admit them as members until the converse is proven. What do we care about *prima facie evidence*, when we are in possession of the evidence itself. We have had read to us, and now have in our possession, the best evidence—evidence that proves conclusively that those who possess the *prima facie evidence* of their election were not elected. Of what value would be a certified copy of a record as evidence in a court of law, if the court were in possession of the original record itself? It would be the first and highest evidence; and such is the evidence we possess to support and prove the fact that Mr. DICKERSON and his associates are members of this Congress. But in the face of all this, the *prima facie evidence* is urged upon us.

The reasoning of gentlemen of the Opposition, reminds me of a small book I saw and read when I was a boy; it contained a system of logic. I never studied logic; I am ignorant of it as a science; and thought but little of this book at the time I read it; but the whole course of reasoning of the learned party, comes precisely up to the standard of the logic of that little book; and, indeed, there has been no other illustration of logical principles in this discussion on the part of the certificate, broad seal and Pennington men, than was illustrated by the work in question; and if the author's logic was not good and sound, it has, at least, the advantage of being popular.

The author reasoned thus: "*Gentlemen wear boots. Mr. A. B. wears boots, therefore Mr. A. B. is a gentleman*" "*Ladies wear corsets. Miss A. wears corsets, therefore Miss A. is a lady.*" Now, sir, gentlemen of the learned party here reasoned thus in this contest—members of Congress have a Governor's certificate, with a broad seal. Messrs. Aycrigg and company have certificates with the broad seal, therefore, Messrs. Aycrigg and company are members of Congress. Now, sir, I deny the soundness of the logic. The reasoning is unsound, and the conclusions are false. I know men who wear boots who are not gentlemen; and so very common is it for every description and character of men to

wear boots, that *boots* no longer afford even *prima facie* evidence of a gentleman. I know girls and women who wear corsets that are not ladies, and, indeed, it is so common for women to wear corsets, that corsets are no longer *prima facie* evidence of a lady; and, sir, I have even known ladies to be without corsets.

I know men who have a certificate with the *broad seal* who are not members of Congress; and, indeed, so common is it becoming, that a certificate with the *broad seal* is no longer *prima facie* evidence that he who bears it is a member of Congress.

But we have been told more than a thousand times this is a *broad seal*—"the *broad seal of New Jersey*." This seal is not the track of a calf's foot; no, sir, it is the track of an ox's foot. When it is slapped down, it makes a splash like the elephant's foot in a wet day. Sir, it must be as broad as the foot of Milton's devil, when he was cast out of heaven, which covered ten acres of ground; yes, broader, for Governor Pennington's certificate and *broad seal* covered the whole townships of South Amboy and Millville, and nullified the entire vote of both, the surface of which I take to be equal to that of the original surveyed townships of the West, which I believe are each six miles square, which would be a surface of seventy-two square miles. This is going the whole in nullification. But, sir, we are implored to the support and defence of the *broad seal*, because it had its origin in ancient times, and has in its character the solemnity of antiquity. Sir, in my estimation, its power and character diminish by its antiquity. I believe the kind of seal in our use can be traced no farther back than the close of the Norman conquest, and if that is the time of its beginning, its antiquity is but a poor recommendation in its behalf. It had its invention and origin in the days of darkness, ignorance, and barbarity, when human ingenuity was concentrated upon the invention of arms, and when the most valuable human requisitions consisted in the skillful and dexterous use of those arms, and the most skillful and successful mode of carrying on a barbarous warfare; when letters were unknown, and science and philosophy were held in contempt. This was the origin of the *broad seal*. It was used to signify the intent to confirm a contract, and convey real estate in fee simple, for a time, or in trust; and the seal itself consisted in making a scrawl on parchment, which was not unlike the mark on paper which a spider would make in its escape from the contents of an inkstand. So much for the antiquity and invention of the *broad seal*, upon the solemnity and sacred preservation of which depends the preservation of the sovereignty of New Jersey, and without which her government must be overthrown, and she blotted out of the Federal Union! But, sir, I am unwilling that the *broad seal* shall enjoy the benefit of the character for antiquity which the learned party here are disposed to attach to it. I think the antiquity of the *broad seal* will have to commence with the reign of the Prince of Orange, who assumed the administration of England on the abdication of the throne by King James. Soon after James the Second came to the throne he manifested a disposition to patronise and support, by his royal influence and revenue, the

cause of the Roman Catholic, to the prejudice and exclusion of that of the Protestant religion, and to such an extent did he carry his measures that the nation became alarmed and commenced operations with a view to put a stop to those innovations upon their civil and religious liberties; and such was the general feeling and indignation manifested that King James, fearing a civil revolution and the loss of his head as well as his throne, in turn became alarmed, and gave his Government and throne "leg bail" for security; and it seems that he attached the same kind of consequence to the *broad seal* gentlemen here do, for he took it with him in his flight to France and cast it into the river Thames, thinking thereby to submerge the English Government, and with it all her political, civil, and religious institutions; so that if it is intended that the *broad seal* shall enjoy the benefit of antiquity from the close of the Norman conquest, gentlemen will have to devise some means to procure it from the bottom of the Thames, otherwise they will have to commence its antiquity with the abdication of King James. But the reasoning of King James in relation to the effect of the loss of the *broad seal* was about as fallacious as the reasoning of gentlemen here in relation to the effect upon the sovereignty and institutions of New Jersey, by a violation of her *broad seal*. The English Government was not submerged either by throwing the *broad seal* into the Thames or the abdication of King James. All the civil institutions in the Government continued their operations. The judicial functions were continued, civil magistrates and ministerial officers continued to discharge their duties. Little or no change was effected, or violence perpetrated; some few Roman Catholic institutions were prostrated, and Feversham disbanded the troops in the immediate neighborhood, without either paying them or disarming them; and these were about the consequences. The bishops and peers, who were then in town, being the highest remaining authority in the State, (for the *Privy Council*, composed of the king's minions, and his creatures, was totally disregarded and held in contempt,) assembled; they chose the Marquis of Halifax their Speaker. They gave directions to the judicial, civil and ministerial departments to continue in the discharge of their several duties. They reunited the army, and issued orders, which were obeyed, to the fleet, the army, and all the garrisons, and at the same time placed the Prince of Orange, the next of the blood royal, on the throne, and the Government went on as before. And this is all the effect that both the loss of the *broad seal* and the abdication of the throne had on the Government of England. What disastrous consequences have we to fear, then, to the sovereignty of New Jersey, when our course is to secure justice to her citizens, and stability and freedom to her institutions.

Such fanatical and superstitious attachment to the *broad seal* is worthy the slavish land of precedents, aristocratic customs and despotic dogmas. When in the reign of George III the *broad seal* of England was stolen from the high Chancellor, a question was entertained and discussed, whether the thief who stole the *broad seal* was not the King, *de facto*, of England, and George III merely King *de jure*; nor is the *broad seal* of New Jersey

entitled to the solemnity which gentlemen here attach to it, from antiquity. If I mistake not, history authorizes me to say that the Governor of the colony of New Jersey was a tory in the Revolution, fled his country, and bore the broad seal with him; so gentlemen must limit the antiquity of this broad seal to the State organization of New Jersey. This is not the first time the *broad seal* has been used for the base purposes of fraud. The Earl of Essex, in the reign of Elizabeth, counterfeited the *broad seal* of England, and thereby seized many large estates, which he enjoyed for some years before the fraud was discovered.

Sir, during a part of my remarks on the *broad seal* of New Jersey, and the fanatic attachment of the learned of this House to it, a gentleman, who sat in the gallery, made notes of what I said; he turned a portion of those remarks into rhyme, and presented it to me—here it is. To the end, that some future use might be made of it, I was desirous to prefix a tune to which it might be sung. Finding my own poetical and musical abilities insufficient (for I have no poetical talent, nor have I any turn for music, save that I sometimes draw the horse's tail across the catgut, and squeak out a little music for my own amusement, not for any other person's,) I applied to my little son Thomas, (a boy ten years old,) who is a musician, and I fear has a talent for poetry, (I fear so, for I have seldom known a native musician and poet that was good for any thing else) to assist me. He took hold of the paper, and, counting the syllables of the first two lines of the verse, instantly applied the

AIR—"Jim Brown."

When England's Third George madly ruled o'er the land,
A thief stole his seal from the Chancellor's hand;
And quibblers in crimson, and vicars in lawn,
Asked, who was the King, when the broad seal was gone?
And some were so simple—ay, passing belief—
As to say that the sovereignty lodged with the thief;
That George was a sovereign—*de jure*—alone,
While the thief with the seal was, *de facto*, the Throne.
But, excepting this time, since the days of King James,
When he threw the great seal in the midst of the Thames,
No child e'er conceived, tho' his sire was an ass,
That sovereignty lived in a circle of brass;
That Liberty nestled in lumps of red wax,
Affixed to dead leather from *belluether backs*,
Till Pennington's seal, with its *plough* and its *steer*,
Was shown as the *presence of sovereignty* here,
Yes, yes: it was left for the wise of our time,
To *second* an *error* so grand and sublime.

True, Essex the Earl, in Elizabeth's time,
Counterfeited the seal of his sovereign for crime,
And many a broad belted Earldom he gained,
And with the strong hand of a noble retained;
But at last Gaffer Time, that old mar plot, revealed
What Essex so long from the nation concealed;
And back to the owners the lands were returned,
While the records were crossed, and the title deeds burned.

The seal of New Jersey, tho' good in its way,
Is not half so ancient as many folks say.
When a province, and during the Third George's reign,
A tory her Governor long did remain;
But finding, at last, revolution was brewing,
And fearing the quid they designed for his chewing,
He cleared, with the seal in his pocket—oh, fie!
And left its *antiquity*—all in my eye.

Illustrious seal! thou art bigger, by half,
Than the head of a cat, or the foot of a calf.
An ox could not cover thee over, 'tis plain,
Milton's devil, to do it, would labor in vain.
He covered ten acres with only one foot,
But you covered Milville and Amboy to boot.
Yes, Milville and Amboy, and, sorrowful fate,
You falsified the popular will of a State.
But softly, my muse, thou art fast in thy zeal;
The lovers of freedom have falsified the seal.

Yes! spite of thy mighty defenders—Oh! brass
Impressed in red wax on the skin of an ass—
Thou art left for thy own sovereign people in scorn,
Though lovely art thou with thy *field of ripe corn*;
Thy ox and thy husbandman blush to be shown,
Declaring a fact which the people wont own;
Thy presence is evidence, only, that men
Can do with thy face what they do with a pen,
That is, they can use thee to solemnize frauds,
As wedding rings often are given to bawds;
But simpletons only will swallow for truth,
What apes would reject in the days of their youth.

Once, gentlemen, only, wore ruffles and boots,
And lovelocks and dickets and superfine suits;
And ladies, alone, in tight corsets were seen,
In dancing saloons or in walks on the green;
And members of Congress, alone, were revealed,
By writings on parchment, by Governor's sealed;
But now many loafers in boots walk the street,
And women—not ladies—in corsets we meet;
And men claiming seats in the halls of the land,
With sovereignty *waxed* in the gripe of the hand,
Whose rights to the same scarcely equalled the brutes
Who furnished them parchment and wool for their suits.
But reason looks down from her mountain top throne,
And passing the boots, takes the decent alone;
And throwing the corsets and signets behind,
Takes ladies for ladies and members in kind.
Then hey for the age, when the mark of a dolt,
Though broad as an ox or as small as a colt,
Is passed by the free, for the facts of the case,
And parchment and wax to the people give place.

But, sir, in all these arguments and conclusions in favor of the rights of the *people* of New Jersey, to the exclusion of her *broad seal*, which has been on this occasion used to prostrate them, we are met with the all omnipotent objection of PRECEDENT. Sir, we have been hammered with precedent! precedent! until we are all beaten into stupidity. Sir, I hold in my hand the Constitution and its amendments, and the whole put together is not larger than a child's primer, and its easy comprehension resembles the contents of the book in its size represents. Its brevity depends upon the simplicity and clearness of its provisions and propositions, and the whole most happily displays the powerful minds and clear comprehensions of those who framed it. Every sentence in it shows that its authors meant what they said, and said what they meant, and no more. Hence it is that the Democracy of this country, entertaining this view of the Constitution, deny to the Federal Government the right to exercise any power not expressly authorized by the Constitution. And yet, simple and plain as it is, adapted, as it is and as it was intended to be, to the most common unlettered understanding, not a question can come up here that has any connection, mediate or immediate, with the Constitution, but we are led into the labyrinths and mazes of antiquity for precedents to illustrate it. We have our uncomplexed Constitution; we have, what we suppose to be, our plain, simple, and well understood maxims, customs, and institutions, that all are supposed to understand, and all of which have an analogy to our Republican Government, by which we live and by which we hope to die. But, I repeat, that a question can hardly be raised here, but what we are driven, for its illustration, into the dark, damp, winding labyrinths of antiquity for precedents, which, when found, only serve to involve us in the fog and the mazes of metaphysical jargon. Sir, I, as an American citizen, hold myself bound by none of them, only as they illustrate truth and maintain justice. Our gallant ancestors, by a bravery and patriotism which shall ever be the subject of shout and song, threw off their

allegiance to the throne and Government of Great Britain. They broke the chains and burst the shackles that bound us to an order of despotic dogmas and a set of aristocratic maxims; and I hold that all obligations have been cancelled, and we are now free. But gentlemen say, "Not; we are bound by precedents." Sir, we might as well be under the mandates of her Britannic Majesty, as to have all our own free and simple institutions overthrown by the aristocratic precedents common to England. To little effect did our ancestors battle for independence, and to as little effect did they ply their patriotism and skill to rear a Government of free institutions, if the divine right of king precedent is to dictate laws, and enforce his despotic *verges* upon us, to the exclusion of our own Constitution and laws, and in the teeth of common sense, and the plain principles of justice. Why, sir, one would be led to believe, from the vast consequence attached by gentlemen in this discussion to precedent, that it is the prerogative of precedent to not only control the civil action of the living, but to judge the dead. Sir, such dogmas may suit such as occasionally amuse and delight themselves in pronouncing eulogies, such as did the gentleman from South Carolina, [Mr. THOMPSON,] the other day, on the Government and institutions of England. We always have had a party in this country who have been a little more attached to the political institutions of England than those of their own country. For my part, sir, I have no love for the concern. I look upon their Government and all their political institutions as a rotten, corrupt, and despotic establishment, at war with every true native principle of human liberty; and most of their maxims and precedents incompatible with the simple institutions of our country. Their corrupt policy has bankrupted the nation, fastened shackles of slavery on their people, that will never be broken, and filled their continent with hungry, pinching, and naked beggars. Yes, sir, tombs of despotism and antiquity have been torn open, and the rotten and half decayed volumes of other ages and other centuries paraded forth to prove to the American people that the apostolic reverence due the worm-eaten carcass and gray locks of precedent demand that Governor Pennington's certificate and the broad seal of New Jersey, in the face of justice and truth, staring us in the teeth, and in the violation of the voice of a majority of sixty thousand freemen, attests Messrs. Ayerrigg and company to seats in this hall. As I have before said, the great question seems to rest in this simple inquiry, whether Governor Pennington's certificate and his broad seal shall secure to Messrs. Ayerrigg and his associates seats in this Congress, or whether evidence, indisputable and now in our possession, of the fact that Messrs. Dickerson and his associates have had a majority of all the votes in New Jersey, shall entitle them to seats. The Opposition go for and sustain the certificate members, and we, the Democracy, believe in and support the force and power of the poll-books; that is, we go for and support the claims of the members elected by the people. The Opposition rely upon precedent to sustain their position, as I have before said. Now, sir, although no advocate

for precedent farther than it will support justice and confirm right, I will, for the benefit of some gentlemen here, recite a few cases of precedent, which I think, from the character of their authority, will have a becoming weight, at least with those who are the authors of some of them. We go, I say, for the *polls*, and we were opposed to either of the contesting members participating in the organization of the House until we were in possession of the proper amount of evidence to decide upon their claims. And now for the precedents (modern, not ancient.) The first case of precedent I will present in favor of our position, is the case of Moore and Letcher of Kentucky, which occurred in 1834—a case involving precisely the same question and principles that this does, only that Moore, the certificate member, was a Democrat.

Mr. Ayerrigg and his associates in this case are Whigs; and in that case neither of the parties were permitted to participate in the organization of the House. So far we are sustained in our refusal to permit Messrs. Ayerrigg and his associates to participate in the organization of the House. But here comes the Whig opinion in that contest. Mr. DUNCAN read:

Mr. ALLAN, it will be seen, opened the question by objecting "TO THE RECEPTION OF THE RETURNS TRANSMITTED BY THE GOVERNOR OF KENTUCKY, AS BEING ILLEGAL AND NULL;" and the ground upon which he declared the certificate illegal and null, was one which did not appear on the face of the certificate itself, nor in any official document of the Governor of Kentucky, but which does appear in an official communication of the Governor of New Jersey in regard to the certificates given by him to the minority candidates there. It is "THAT THEY [the returning officers] HAD NOT COUNTED ALL THE VOTES."

Mr. CHILTON of Kentucky, another Whig member, said that "THE SOLE QUESTION WAS, WHETHER THE CERTIFICATE WHICH HAD BEEN PRODUCED WAS OR WAS NOT OF A LEGAL CHARACTER." He insisted it was not, because the law had not been "COMPLIED WITH."

Mr. MARSHALL contended that the certificate was void, "BECAUSE IT DID NOT CONTAIN EVIDENCE OF THE MAIN FACT—WHAT WAS THE CHOICE OF THE PEOPLE OF THE DISTRICT. THIS WAS WHAT THE HOUSE WANTED, AND THIS COULD BE OBTAINED FROM THE LEGAL RECORD—THE POLL BOOKS—CERTIFIED COPIES OF WHICH ARE NOW ON THE CLERK'S TABLE."

Mr. ELLSWORTH (another Federalist) took the position "that the House would be governed by THE ACTUAL STATE OF THE BALLOT BOX," not by the Governor's certificate.

Mr. ADAMS assumed that "THE DIFFICULTY HAD ARISEN IN A FRAUD," and upon that question he "WAS PREPARED TO SIT AND VOTE UNTIL IT SHOULD BE SETTLED."

Mr. D. remarked that the doses that he now was administering were bitter doses. They nauseated the stomachs and sickened the bowels of gentlemen to whom they were administered. They were technically called drastic doses, by knights of the lancet; but sickening as they were, he hoped gentlemen would take them in confidence and good faith, as they, perhaps, would have the effect to cure that most dangerous and malignant disease with which they are affected, he meant the disease of *inconsistency*—a disease most calculated of all others to subvert the moral faculties, destroy every pretension to truth and justice, and overthrow a reputation for candor and sincerity. This disease has both its remote and proximate cause in a drop-sical overflow of the the foul waters of Federalism, and these were the best doses for such a malady. Moreover, the prescription is made by a regular quill physician, not one who boasts of his professional skill at all, but one who has the *prima facie* evidence of his profession; that is, he has the

parchment with the appropriate certificate, and that, too, in classic language, with all the diplomatic flourishes; the blue ribbon, and, what is of vastly more importance, the *broad seal* of a regularly and legally authorized and established medical college, of the good old orthodox order; none of your new fashioned root, vegetable, botanical, electromagnetic, Thompsonian, No. 6 institution. Then, sir, according to the doctrines advanced here, and the omnipotent consequence attached to *certificates* and *broad seals*, gentlemen must take in good faith the prescriptions of any one who has the *prima facie* evidence of the medical profession, though he be the greatest empiric that ever disgraced the order of the *lancet*. With his explanation, sir, I proceed to prescribe, and with the best hope of success.

Mr. BINNEY (another Federalist and lawyer of eminence) laid it down as a principle, that "THERE IS SOME WEIGHT IN THE POLLS, AND UNLESS IT WAS COUNTERACTED BY EVIDENCE, THE POLLS MUST STAND."

Mr. LINCOLN maintained the same principle. But the speech of Mr. BANKS, (one of the most honest, enlightened, and respected Federal members,) which was made upon a motion of his own to give Mr. LETCHER the seat, after the first resolutions, given above, had passed, assumed the highest ground, and we think the true ground, after the House had rejected the Governor's certificate as not corresponding with the polls. He said, "THE MAJORITY OF VOTES DOES ENTITLE THE PERSON TO WHOM THEY ARE GIVEN TO HIS SEAT. MR. LETCHER SHOULD, THEN, IN OUR OPINION, BE CONSIDERED IN THIS TRIAL AND DISCUSSION AS IN POSSESSION OF HIS SEAT."

Mr. CHILTON of Kentucky said the sole question in the case was, whether the certificate which had been produced, was or was not of a legal character. The duty of the sheriffs was plainly pointed out by the law, and all to be decided was, whether they had complied with it or not. He then reviewed the certificate, and insisted that it was palpable that they had not. Nor could he admit, as had been concluded, that though the evidence furnished by such a paper might be incomplete, yet it was the next best that could be obtained in the case, and therefore ought to be received. Would it be admitted in a court of justice, in a case where there were two witnesses to a fact, one of them competent, credible, and disinterested, and the other of an opposite character, that, if the first could not be obtained, the testimony of the interested witness must be admitted, because it was the next best? Surely not.

Mr. C. dwelt upon the dangerous consequences that must grow out of the reception of such a paper to the purity of elections, and the safety of the elective franchise.

Mr. MARSHALL of Kentucky went into an examination of the certificate on which Mr. MOORE claimed, and insisted that no court of justice in the country would receive it as evidence under the law of Kentucky. The paper did not contain evidence of the main fact in the case, viz: what was the choice of the people of the district in question? This was what the House wanted, and this could be obtained from the legal record, the poll books; certified copies of all which were now on the Clerk's table. The certificate was only a substitute for these, admitted out of convenience; but if it was defective, then resort must be had to the records themselves—which were the very best possible evidence in this case.

Mr. ELLSWORTH presumed that if either of the claimants could satisfy the House what had been the actual state of the ballot box, the House would be governed by that fact, and decide accordingly. This was not one of those cases where a majority of sheriffs could act for the whole. Had they certified that A B had been elected according to the votes of one county, could that be deemed sufficient? Surely not. Suppose they had certified the same according to two counties, would that be admitted? or of three? why then of four, when five counties had voted? would a certificate be admitted that a certain paper was the record of a court, *except one page*? This was just such a certificate.

In the House of Representatives, Wednesday, June 11, 1834, the case of the contested election of Messrs. MOORE and LETCHER being under consideration—

Mr. ADAMS said: There was no difficulty in the question; or, if there was, the House had already surmounted it, by deciding on all the questions of principle involved. What remained was easy; and if the House would only proceed as it had been occupied, they would arrive without difficulty at a just result. And he, for one, was prepared to sit and vote till it should be settled. *The difficulty had arisen in a fraud.*

Mr. BINNEY of Pennsylvania, remarked: Were the votes illegally received or illegally rejected? That was the first question. There was some weight in the polls; and unless it was counteracted by evidence, the polls must stand. If evidence was brought to counteract them, that evidence must be judged of as it was elsewhere—as it was daily judged of in the courts of justice; and when it had been weighed on both sides, the scale preponderating must be allowed to preponderate.

Mr. LINCOLN repudiated the idea of the decision being impracticable, or even difficult. All that was to be done was to lay down a just principle, and then try the items of evidence by it. A great outrage had been committed on the people and laws of Kentucky, and it was the duty of the House to vindicate those rights. Would the House consummate the very object in view of that sheriff who had fraudulently withheld the poll book? Would they become instruments to effect his purpose which was to defeat the election of Mr. Letcher? The House was bound to teach a lesson on that subject, which should prevent the repetition of such an outrage.

Extracts from the remarks of Mr. BANKS, in the House of Representatives, May 20, 1834, on the contested election of Messrs. Moore and Letcher, of Kentucky.

In my judgment, the majority of the votes entitled Mr. Letcher to the certificate of election. The certificate, *which was given for Mr. Moore, and forwarded to the Secretary of State, was not only irregular, but absolutely void. It was not signed by all the sheriffs; it appeared, on the face of it, that all the votes given in the district were not compared and added up. It was proved that the Lincoln poll was withheld from the computation, in fraud of the law, in fraud of the rights of the electors of the district, and in fraud of the rights of Mr. Letcher. The certificate was signed but by three out of the five sheriffs in the district. It is a principle of law that we should presume that officers had done their duty, in absence of proof to the contrary. But this presumption cannot be made in favor of what is irregular on its face; much less can it be made in favor of that which is found to have been done in open violation of law and public duty. Nor, in my opinion, does this certificate derive any additional force from the fact that it was sent by the sheriff to the Secretary of State, and that it has been forwarded here. This does not cure the defects; this gives it no additional authenticity. It was, in the first instance, void, and, in my judgment, is still void. I do not think that it entitled Mr. Moore to his seat, and I believe a large majority of the members of this House entertain the same opinion.*

The production of a *legal certificate* entitles the person in whose favor it is, to his seat, in the first instance. In the absence of this certificate, the polls are as high, if not the highest, evidence of the person elected in the first instance, subject, however, to be impeached. The majority of votes actually given entitles the person to a certificate. If no certificate is given, then the majority of votes does entitle the person to whom they are given to his seat. Mr. Letcher should, then, in my opinion, be considered, in this trial and discussion, as in possession of his seat, and Mr. Moore should be held to prove that the majority of legal votes was given to him, and not to Mr. Letcher. This he should do, by clear and satisfactory evidence.

This appears to be the obvious course which should be pursued. This puts the parties in the position in which the electors of the district have placed them.

Here are Whig precedents and Whig opinions for you! Here, sir, are precedents and opinions from the learned heads and honest hearts of the Whigs in 1834—in a contest, I repeat it, involving precisely the same question, and no other than this does. Then the *polls* were all powerful and omnipotent, and the Governor's certificate and the *broad seal* of the sovereign State of *old Kentucky* nothing. But now the tables are turned; now Whigs hold the certificates, and the *broad seal* is all *powerful*, and the *polls* *nothing*. Yes, sir; the saddle is on the other horse. So, it seems, precedent works two ways; or, like the juggler's card, it has two faces. The jack of clubs is presented, and at the order, "*presto change*," instantly the beautiful queen of hearts appears. So we go in these times of moral depravity and political corruption. But, sir, as precedents are in such high demand, we will exhibit a few more. It has been iterated and reiterated, over and over, that the whole table of precedents, ancient and modern, is in favor of receiving the certified members in this case. Sir, I am not going to risk my carcass and health, by going into

the damp, unwholesome vapors of the tombs of antiquity, fit only for a toad or a snake to inhale, and mingle with the spirits of the dead, to hunt up precedents; but I will exhibit what I have found above ground, and those of modern times. I hold in my hand a book, containing all the cases of contested elections since the organization of this Government, worth recording. It is a large book; it contains one thousand and twenty-five pages. I have turned over every page of this big book. It is full of contested elections. I have examined the points upon which every case it contains turns, and the principle upon which each case has been decided; and I now assert, that there is not a decision between its lids that will warrant the reception of the certificate members to their seats, and I challenge successful contradiction. It is full of precedents that either expressly or impliedly sustain the claims of those members with the certified poll books, showing that they have a majority of the votes. I will read one or two. The first to which I will ask your attention is the case of Spalding against Meade, p. 157. The point upon which this case turned is:

"Congress is, by the Constitution, the exclusive judge of the elections and returns, as well as the qualifications of its members, and the returns from the State authorities are *prima facie* evidence only of an election, and are not conclusive on the House."

I will ask your attention to another. It is the case of Mal'ory against Merrill, p. 328. The point upon which the decision turned in this case is:

"Votes fairly given to a party may be counted in his favor, though they have *never* been returned to the proper State authorities; the default of a return not being chargeable upon such party."

One more case, sir, if you can have patience, and I will trouble you no more with precedents. It is the case of Biddle and Richard against Wing, p. 504. In this case it was decided that:

"The officers of the different election districts must certify the result to the commissioners, and they must certify to the Governor. They are all ministerial officers, and error committed by any of them, either through mistake or design, is to be corrected by the House."

One more, sir, strikes my mind that is in point: Messrs. Dickerson and his associates present you the certificate of the Secretary of State, showing that they have the majority of all the votes polled at the election of which they claim to be elected; but this is contended not to be sufficient evidence. Messrs. Claiborne and Gholson, members from Mississippi for the Twenty-fifth Congress, appeared at the commencement of the extra session of that Congress, and claimed their seats. It was objected that the evidence of their election was not sufficient. (I think they had the certificate of the Secretary of State.)

Mr. MERCER of Va. offered the following, viz: "Resolved, That sufficient evidence has not been afforded to this House that John F. Claiborne and Samuel J. Gholson are lawfully entitled to seats therein."—*Jour. Ex. Ses.* p. 4

The resolution was debated. The question was laid on the table by an overwhelming majority, and Messrs. Claiborne and Gholson took their seats. So, sir, here is an admission of members on the certificate of the Secretary of State, and here ends the chapter, with me, on precedents.

But, sir, we have been told, in tones of triumph, that New Jersey has confirmed the fact that Messrs. Aycrigo and company were elected at the

October election in 1838, by electing a Whig majority to both branches of the State Legislature in 1839; and this fact is paramount evidence that Messrs. Aycrigo and company are entitled to their seats in this Congress. Yes, this is the highest evidence that can be demanded that Mr. DICKERSON and his associates are not the choice of a majority of the people of New Jersey. Sir, when I received the news of the Federal victory in New Jersey last fall, I rejoiced at it. Such was the overflowing tide of Democratic success over every part and portion of the Union, that I feared the consequences. I dreaded that apathy which never fails to seize the unsuspecting Democracy upon universal victory. I was afraid that they would be overtaken and overthrown by an enemy that never sleeps, before they could be awakened to a sense of their danger. Knowing, as I did, that the whole power of Federalism, with all its means, will be brought to bear upon the contest now commenced, I felt rejoiced that we had met with a temporary defeat, which could do no *serious* injury to our cause, but which would serve to keep, at least, our sentinels from sleeping at their post. I thought and reasoned as did Philip of Macedon, when he heard, in the space of one hour, of his success in the chariot races in the Olympic games, the victory of his troops in a great battle, and of the birth of his son Alexander. The Pagan raised his eyes and his hands towards heaven, and prayed, "Oh, ye gods! send me some slight misfortune, that I may not be overcome with this overflowing torrent of good news, and, lest some great misfortune overtake me." These were my feelings and my reflections when I heard of the Whig victory of New Jersey. But, sir, we have seen the fatal effects of political apathy by successive victory, in our own time and country. History furnishes us with many fatal disasters, both of a political and military character, from the same cause. The immortal Hannibal was successful in his long and arduous march from New Carthage to the Rhone. He was successful in its perilous passage, and in conquering those who were prepared to contend against him. He was successful in ascending the Alps, whose snow-covered tops seemed to reach the skies, and in routing the Gauls who defended their passes. His cavalry successfully fought and routed the Roman horse on the Trebia. The fields of Trebia yielded him victory; the Roman troops of Thrasymene fell before him or fled like the timid hind. Cannæ proclaimed him victor, and the plains of Italy were his. The walls of Rome shook, and her citadel cumbered at his name. But now the fatal effects of unchecked success and unmixed victory seized him. Now, said Maharbal, is our time to take Rome; her gates will open to us. I will think of that, said Hannibal. Lulled by a mistaken security, which sometimes besets the most vigilant in successful career, he took his winter quarters in Capua, where his troops rioted in the fashionable indulgences of that opulent city on the rich spoils of the conquered enemy. But when the spring campaign opened, they were no longer the hardy soldiers of Hannibal; their bravery and invincible courage, and their capacity for toil and fatigue, were exchanged for softness and effeminacy, the offspring of idle-

ness and luxury, and their love of order and subordination for contemptuous mutiny, supineness, and irregularity; and, with all these, sunk the power of ever taking Rome—the glory of Hannibal tarnished, and his name made less immortal. Such, sir, is the fate of those who rest in security upon success and victory. I repeat, I thought and reasoned as did Phillip when I heard of the Whig victory of New Jersey. But, sir there was no Whig victory.

Sir, I deny the position in fact and in principle. I deny that the fact that the Federalists have a majority in the present Legislature is any evidence that a majority of the people of New Jersey are in favor of the *certificate* members, and I deny that a majority of the voters of New Jersey have placed a Federal majority in the Legislature. I acknowledge that there is a Federal majority in the Legislature, and I will account for it. Members of Congress in New Jersey are elected by general ticket. Members of the Legislature and of the Council are elected by counties and districts.

The Federalists have had the ascendancy in the State Legislature for two years, and it is a well known fact that no small part of their time and ingenuity have been devoted to districting the State so as to favor their party, and always secure a Federal majority in the Legislature; and so well have they succeeded that a Federal Legislature may be, and has been, elected by the present district system, while there is a large majority of Democratic voters in the State. Sir, as I have not taken a position, nor asserted a fact, but what I have or can maintain, so I proceed to maintain this, viz: that so far from the Governor being sustained in his corrupt course, an overwhelming majority of the people of New Jersey have expressed their disapprobation and indignation at it. Sir, the increased Democratic majority, of the recent elections, over the Democratic majority of 1838, is near two thousand votes. Here is the proof; here are the facts and figures; read for yourself. Here is a table which shows the Democratic majorities and Whig majorities in the several counties, in 1838 and 1839. Here they are; you can run and read:

	1839.		1838.	
	Dem. maj.	Whig. maj.	Dem. maj.	Whig. maj.
Bergen,	351		225	
Passaic,		106		254
Essex,		1015		1561
Morris,		154		224
Sussex	1033		1639	
Warren,	2375		955	
Hunterdon,	2226		934	
Somerset,		163		150
Middlesex,		76		263
Mercer,		245		289
Monmouth,	515		228	
Burlington,		325		525
Gloucester,		273		505
Atlantic,	230		162	
Salem,	144			
Cumberland,		29		
Cape May,		125		265
	6874	2516	4179	4041
	2516		4041	
	4353		138	

Democratic majority in 1838	-	4179
“ “ “ 1839	-	6874

Showing a gain in favor of 1839 of 2675

There may be some errors in the published returns, from which these abstracts are taken, but none to vary the estimated majority materially. But farther, sir, in many of the counties having large minorities of Democratic voters no test was made; the Whig candidates were not opposed, and of course, the Democratic votes not polled. It is justly presumed, that if there had been opposing candidates in every instance, the popular Democratic majority would have been over four thousand. What has become of your vaunted assertion, now, sir, “*that the people of New Jersey in their recent elections have sustained the Governor and his Council.*” These tables show.

Sir, the Governor in his so called opinion to the Privy Council—though it better deserves the cognomen of a paltry, whining, pining, hypocritical apology to the community, for the fraud he has practised upon them—I say, in that opinion, he submits and answers the following proposition: “But it will be asked with *force* and *propriety*, is a candidate to lose his seat in Congress, because a county clerk does not make a return of the votes? Certainly not. If, through inadvertence, or by design, any votes have not been returned by the clerks, it is in the power of the *House of Representatives*, in their discretion, to allow those votes, and give the seat to the person who with those votes may be elected,” &c. Now, sir, it will be remembered that the Governor, in another part of his opinion, says that he can act only on the returns that are made in *time*. He cannot look behind the clerks’ returns, etc. but recommends the contestors—whom, he admits, have “*a majority of all the votes in the State,*” and that he has the returns before him, which show the fact, but he can only act on those that have been made in *time*—to apply to the House of Representatives for relief, etc. Well, sir, the contestors are here, and make the advised application; and how have they been me? Why, sir, the Opposition, taking the cue from the Governor, say, we can do nothing for you; we can’t look *behind* the Governor’s *certificate*. What incomparable stuff! what superlative sophistry! The only respect due to it is to treat it with the contempt it merits, and that is *silence*. Sir, I think New Jersey is “*sold to the Dutch.*” No, not to the Dutch—I wish it was—the Dutch are Democratic. Swamped in the vocative! Heels over head in the Federal mire! The State districted so as at all times to secure a Federal majority in the Legislature and Council. And now for the powers of the Legislature. What are they? Why, by the Constitution of New Jersey, the Legislature makes the Governor, and to them alone is he responsible; the Legislature makes the Judiciary; the Legislature makes the county clerks, and the Council, or so many of them as the Governor may see proper to select, (not less than three,) makes the Governor’s Privy Council. What prospects have the Democracy of ever raising their heads, though their majority at this time of the popular vote perhaps is not less than four thousand.

A Federal Legislature will always make a Federal Governor; a Federal Governor will always expend his patronage on Federalists; a Federal Governor will always select a Federal Council; a Federal Council will always advise the advancement of Federal men, Federal measures, and Federal institutions; a Federal Legislature will make all their appointments of judges and county clerks from the creatures of their own party, and they will never fail to carry down the principle to appointments within their gift. What have you left now? Why, you have but one standard around which you can rally—one loop on which to hang a hope—the name of but one State official Democrat to dwell upon your lips, and that name is James D. Westcott, Secretary of State; and just as soon as his time expires, he will walk the chalk, for he, too, is elected by the Legislature. The only remnant of practical franchise you have left, is the power you have to elect by general ticket your Representatives to Congress. But do not be flattered with this hope; it is an idle dream, a vain delusion, and will avail you nothing; for if you succeed in giving your Democratic candidates “a majority of all the votes,” a Federal county clerk will refuse to make returns in time, a Federal Governor will, in violation of the law, refuse to send for them, and they not being returned in time, he will not act on them. “He cannot look behind the clerk’s returns.” He will give the certificates to the Federal candidates, who have a majority of votes returned in time. Your Democratic candidates who may have “a majority of all the votes,” in conformity with your constitutional rights, will attend with certified copies of the poll books, showing that they have been elected by a clear and undisputed majority; but they will be met at the threshold of this hall, and told—gentlemen, go home, we can do nothing for you, we cannot look behind the Governor’s certificate and the broad seal. Democrats of New Jersey, have you really thought of your situation? If you have not, it is time for you to wake up and do yourself justice—it is due to yourselves that you should do so. It is due to the services and memory of your ancestors; but above all, it is due to those who will come after you, that you transmit to them the freedom of the elective franchise, as pure and unembarrassed as it descended to you.

Sir, had I the voice of thunder, I would speak in peals, to the ear of every lover of human liberty in New Jersey, to rally to the standard of his constitutional and equal right, and nerve himself to the overthrow of Federal despotism, that is now overshadowing the free institutions of his State, and corrupting the fountains of the elective franchise.

Sir, appeal after appeal, and appeals upon appeals, have been made to the State rights party here; and they asked, in pretended and hypocritical patriotic tones, if they will stand by and see the broad seal of a State mutilated, and her sovereignty dishonored. The State Rights party has been vociferated already, until it has become a hackneyed phrase. I suppose the State Rights party are to be the jacks upon which every demagogical trash is to be packed during this session. Sir, I have given some little attention to the subject of State

Rights doctrines, and my application has led me to the conclusion,

1. That the Federal Government can exercise no power not expressly authorized by the Constitution.

2. That the States can do every thing (not morally wrong) which is not expressly prohibited by the Constitution.

3. That the Government has no power to raise a revenue to the amount of one dollar over and above what is wanted for the support of the Government, in the exercise of the powers for which it was created.

4. That the Federal Government was formed for the purposes of national defence, as well to the suppression of internal dissensions as foreign invasion, and for no other.

5. That, in the formation of laws for the purposes of revenue, the strictest principles of equality should be sacredly observed; and no system should be established which would, in its operations, benefit one part of the Union to the injury of another.

6. That whatever powers the Federal Government possesses were surrendered by the States, and are limited within the letter of the Constitution, which is the evidence of that surrender.

7. That whatever powers were not so expressly surrendered, were reserved to the people and the States.

8. That a violation of any or all of these principles, is a violation of the Constitution—an infringement of the rights of the people, and a subversion of the free institutions and sovereignty of the States affected by such violation.

9. That the sovereignty of a State consists in the full enjoyment on the part of the people of all powers, civil and religious, not surrendered to the Federal Government; and more especially the free exercise and full benefit of that most valuable and sacred of all principles, the freedom of the elective franchise.

10. That, in the constitutional exercise of power by this House, over the returns, qualifications, and elections of its members, the inviolable preservation of free suffrage should be its first and highest object, as the only means by which the rights of the people can be secured, in the exercise of their sovereignty. And these, sir, are Moses and the ten commandments, which I have extracted from the sacred book of State rights.

Now, sir, if these are State Rights doctrines I am a State Rights man; and I hereby attach my hand, and affix my seal, and swear upon the altar to maintain them. But I have yet to learn that the sovereignty of a State, and the freedom and independence of her people, have their existence in the certificate of a Governor, which is no more than *prima facie* evidence of a fact, sometimes of a falsehood, and his seal, which only evidences his official character. This is a new and late addition to the doctrine of State Rights, and I undertake to say not recognized as orthodox by the party; and, sir, call upon the State Rights party to sustain such a doctrine as this, will be as vain as the call of Dives upon Lazarus. They will be unanswered by every State Rights man who properly understands the creed of his profession, and whose doctrines are not in market.

Sir, the deadly stab that the free suffrage has received by the hand of Governor Pennington and his Privy Council is not confined in its operations and withering effects to the people and the institutions of New Jersey; it is general and wide in its operations; it spreads pestilence, sickness, death, and desolation to the elective franchise and free institutions of other States and other people. So interwoven and identified are the principles, political and civil, of all the States and people of this broad spread Union, and such is the uniformity of principle upon which they are based, that a violation of any one native or political right or privilege of a fundamental character never fails to have a corresponding effect upon the whole, and more especially when so important and vital a principle as that of the elective franchise receives a wound, the whole political frame, Federal and State, is for a time palsied. Why is it that we have a volcanic agitation here, whenever any order is attempted to be taken in behalf of modern Abolitionism? It is not because gentlemen who represent the South or the slave States feel an abstract interest in favor of the perpetuity of slavery in the District of Columbia, or the bondage of the enslaved population within it. No; I have no doubt but what their private and individual feelings are against both; but it is because they look upon the effort to abolish slavery in the District as an officious intermeddling on the part of those who are attempting it, incompatible with the reserved rights and sovereignty of the States, and a direct effort of the people of other States to overthrow the institutions of theirs. They look upon it, and not without reason and just suspicion, as an entering wedge to the introduction of other innovations, and the exercise of other powers, that may control and prostrate the institutions of the South which may not be *fashionable* in the North; and if entertained here, they have no where to look for security but in their own strength. God knows, and my readers know, who have read me, that I am no friend to slavery, but I am a friend to the duration of this Union; and knowing, as I do, and as all know, that this Union can be perpetuated in no other way than by a strict adherence to the letter of the Constitution, the narrowest possible exercise of Federal powers, the broadest security of State sovereignty, and the most sacred observance of the conditions upon which this Government was established. I must ever feel my highest duty to sustain the latter, while I have only the right and the feeling to deplore and lament the former. Whenever it is the expressed wish of the people of the District of Columbia to abolish slavery within its limits, it will gratify the most noble feeling of my heart to do my part to carry out that wish; but, until then, I believe we have about as much right to interfere with slavery here as we have to legislate on the miserable condition and slavish bondage of the serfs of Russia, or the boors of Denmark.

Yes, sir, the causes that give rise to the watchful jealousy of the South, in relation to the workings of modern Abolitionism, illustrates the medium through which the elective franchise, throughout this Union, has been wounded by the stab given by Governor Pennington and his Privy Council.

But softly, gentlemen of the South—you of the

modern Whig order. Your hurricanes on the introduction of Abolitionism must come down to gentle winds and soft showers. Your late Harrisburg Federal National Republican Whig Convention has imposed on you, if not an *Abolition* candidate for the next Presidency, a *candidate of the Abolition* party, and with them you are ranked to fight shoulder and elbow; so if it is your desire to conquer, you must be moderate and yielding with your *new friends*.

Mr. Speaker, ours is a Government of the people. That is to say, the people govern. They govern by their representative, their judicial, their ministerial, and their executive officers. The officers of these different classes are but the political and public servants of the people, and the people are their sovereign principals or political masters. Prior to the establishment of our Government the capacity of man to govern himself, in a political sense, was a great problem, which had never been fairly and fully solved. The Republics, as they were called, of Carthage, of Greece, of Rome, and some others of the old world, were, in a republican sense, of but a limited character.

The right of suffrage was not enjoyed to its full extent. There were various despotic and aristocratic restraints, checks, and balances thrown *around* and *interwoven* in *all* their political institutions, incompatible with a free government of the *people*. Under the governments of the old world, there were no people who maintained longer their free institutions, such as they were, than did the Carthaginians. None were better balanced and secured with checks than were the political institutions of that Republic. Yet their constitutions, customs, and laws contained within themselves the seeds of destruction, and the principal of these were the restraints upon the freedom of the elective franchise and the circumscribed right of the people to hold offices. The possession of property constituted the qualifications in both cases.

The consequence was, that patriotism, talents and virtue were disregarded or overlooked, which was sufficient of itself to seduce and corrupt the whole community, and prostrate whatever national freedom they enjoyed. It was the abuse of the elective franchise, and the restraints thrown around it, that finally subverted the Government. It was the same restraints, and the same abuse, which enabled the overgrown nobles to oppress the public liberty of Athens, Syracuse, Corinth, Thebes, and overthrew Rome itself, under Scylla and Cæsar. Rome long struggled with the powers of wealth, bribery and corruption practised by the patricians, and those in power and those striving to obtain power. But at last, by reckless ambition, and regardless violation of that palladium of liberty, the elective franchise, she was overcome and sacrificed at their shrine. Her death struggle survived four hundred years. What must have been her strength in her vigor of health? Our gallant and brave ancestors, who founded this Government upon their own victories, gained on fields of blood, were not ignorant of the history of the world of man, and of the subversion and downfall of all the Republics that had ever existed before them. They were familiar with the melancholy tale that disclosed the fatal effects of a limited suf-

frage and the abuses of the elective franchise by the boundless and reckless ambition of those in power, and those in pursuit of power.

They established a free Government of the people with a trembling hand and fearful apprehensions. Hence the apostolic, paternal and patriotic care with which our political fabric is framed; hence the jealous care with which all its parts are guarded; and none were intended to be guarded with so much vigilance as that of suffrage, and the free exercise of the elective franchise—knowing, as they did, and as experience will prove, that the duration of the work of their hands, and the perpetuity of the human liberty they had purchased with their blood and toil, must depend upon the sacred and inviolate preservation of that franchise in its pristine purity. Sir, a due reverence for the Revolutionary spirit that walks (though unseen) amongst us—a reverence for the memory of the patriots of that Revolution which overthrew the crown, and broke the crossier that enslaved the body and imprisoned the soul—a proper regard to our own highest interests, and above all, that sacred obligation that rests upon us to transmit to those who are to come after us uncontaminated the boon which has been transmitted to us—imperiously demand that we should suffer no violence to that most sacred of all our institutions, the elective franchise. But, sir, in the face of these obligations, which we have no power to cancel at our own will, we have seen fearful and alarming innovations as well upon the domains of the Constitution as upon the freedom of the elective franchise. Sir, we have seen this Government shaken with earthquake violence, from its centre to its circumference, and our free institutions reel and totter like a drunken man, by a reckless disregard of the sanctity of the Constitution, and violating the freedom of the right of suffrage. Avarice, ambition, and a love of power—which in their nature are reckless as to every other interest except their own—have been the instruments by which all Republics that have gone before us have been prostrated and consigned to the dust.

Sir, at the formation of our Government, there was a party who denied to the people the integrity, intelligence, stability, and virtue necessary for self-government. Sir, such a denial is a slander upon the human family, and degrading to him who makes it; but such was the fact. And the same party have, from the commencement of our national career, to this time, been unsparing in their efforts to carry out in principle, what they had not the power to establish in practice, viz: anything but a Republican Government, free institutions, and equal rights. It was said by the same party, that all the Republics had been overthrown by the seditions of the people, and ours would share the same fate; and such would be the fate of every Government of the many. Not so, sir; they have all been overthrown by the ambition, avarice, and love of power of the few—for want of a sufficient portion of the control of Government in the hands of the many. Sir, that same aristocratic spirit which has ever characterized a want of confidence in the virtue and intelligence of the people, and a disregard for their political rights has been boldly manifested in this contest, in the unexampled and desperate effort to secure seats in this Congress, to the mem-

bers of Governor Pennington, and his Privy Council, to the exclusion of the members of the sovereign people of New Jersey.

Mr. Speaker, I am no advocate for capital punishment. I have been disposed to doubt the right of any Government, or any political human establishment or association, to inflict it. I have been induced to give much weight and character to that dixit of the Almighty, by the mouth of his prophet, that "*vengeance is mine.*" But if there is any crime of which man is capable, for which death ought to be inflicted, it is that of treason against his Government; and if there is any grade or comparison in treason, it seems to me that a wilful and corrupt violation of the elective franchise is *superlative* treason. If there is any one crime against the Government involving a principle of treason more alarming and dangerous than another, it is such a violation. If there is any one crime of treason that more deserves the curse of God, and the universal execration of man, more than another, it is the treasonable crime of violating the purity of the elective franchise, and trampling in the dust the voice of a free people.

Mr. Speaker, since the organization of our Government there never has been so flagrant an abuse of the elective privilege presented for the consideration of this House, or any other legislative body. It is the right of this body to take such order as the extremity of the case demands. It is the duty of the House, as far as possible, to prevent the repetition of such a case hereafter. The workers of this base iniquity should receive the brand of infamy that should point them out to all living, as execrable outcasts, while they are permitted to linger out their degraded lives, and stamp their memory indelibly with infamy through all time to come, as an example to the reckless wretch who might so far forget his sacred obligations as to be disposed to perpetrate a like treason. Our duties to the injured, insulted, and outraged people of New Jersey, demand that we should take such an order. The obligations we owe to ourselves, in common with those we represent, and those who are to follow us, demand it. The Constitution, and the solemn oath we have taken to support that Constitution, and defend it inviolate, demand it; and, above all, the obligation of patriotism, religion, and morality, which we have made uncompromising by our approach to the throne of eternal justice and divine accountability, when we took the solemn oath, in the presence of God, and confirmed it with uplifted hands or the kiss of His holy word, binds us to take such order as shall forever again protect the hallowed cause of the elective franchise from the polluted footstep of the betrayer of human liberty, and corrupt and reckless demagogue. Let us, therefore, this time, divest our skirts of that party spirit which seems to have overshadowed the brightest prospects of our country, and swallowed in its vortex those religious, moral, and patriotic obligations, upon the sacred observance of which alone rest the duration of our Government and the stability of our free institutions, and with one voice and with one action meet the case, and dispose of it as the highest interest of our common country demands.